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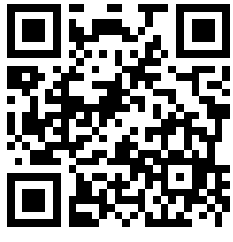

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THE TRANSFER OF POWER

1942–7

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CONSTITUTIONAL RELATIONS
BETWEEN BRITAIN AND INDIA

THE TRANSFER OF POWER
1942–7

Volume XII The Mountbatten Viceroyalty
Princes, Partition and Independence
8 July—15 August 1947

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India before Partition

Partition Boundaries in the Punjab

Partition Boundaries in Bengal and Assam

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Foreword

On 9 March 1966 the Prime Minister, Mr Harold Wilson, announced in the House of Commons that the closed period for official records was to be reduced from fifty to thirty years. He stated that the Government also proposed that the range of Official Histories, which had hitherto been confined to the two great wars, should be extended to include selected periods or episodes of peacetime history and considered that there was scope for extending to other Oversea Departments the Foreign Office practice of publishing selected documents relating to external relations. The Prime Minister hoped that both of these subsidiary proposals, supplementing the reduction in the closed period to thirty years, would be acceptable in principle to the Opposition parties, who would be associated with their implementation.[1]

On 10 August 1966 the Prime Minister announced that a standing inter-party group of Privy Counsellors was to be appointed to consider all such proposals[2] and on 8 June 1967 that its members were, for the Government and to act as Chairman, the Right Hon. Patrick Gordon Walker, Minister without Portfolio; for the Official Opposition, the Right Hon. Sir Alec Douglas-Home; and for the Liberal party, Lord Ogmore.[3]

A project to publish documents from the India Office Records had been under discussion for some years and on 30 June 1967 the Prime Minister, in replying to a written question in the House of Commons, announced that the first of the new series of selected documents to be published was to relate to the Transfer of Power in India. His statement was as follows:

> As I informed the House on the 9th of March 1966, the Government have decided to extend to other Oversea Departments the Foreign Office practice of publishing selected documents concerned with our external relations, subject to inter-party agreement through the Group of Privy Counsellors whose composition I announced on the 8th of June. I am happy to inform the House that the Group have agreed that in view of the great interest now being shown in historical circles in the last days of British rule in India the first selection of documents to be published under the new arrangements should be documents from the India Office records on the Transfer of Power and the events leading up to it.
>
> The scheme will follow closely the lines of the Foreign Office series of *Documents on British Foreign Policy* from 1919 to 1939, and, as in that series, the editors will be independent historians who will be given unrestricted access to the records and freedom to select and edit documents for publication. Professor P. N. S. Mansergh, Smuts Professor of the History of the British Commonwealth at Cambridge, has expressed willingness to accept appoint-

[1] *Parl. Debs.*, 5th ser., H. of C., vol. 725, Written Answers to Questions, cols. 561-3.
[2] *Ibid.*, vol. 733, cols. 1706-7. [3] *Ibid.*, vol. 747, col. 1291.

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ment as Editor-in-Chief and the scheme will be in full operation by the end of the year.[4]

Mr E. W. R. Lumby was appointed Assistant Editor and fulfilled the duties of that office until his death on 23 January 1972, by which time the first three volumes in the Series had been published and the fourth was in an advanced stage of preparation.

Sir Penderel Moon, O.B.E., sometime Fellow of All Souls College, Oxford, has served as Editor since September 1972 when Volume IV was about to go to press and the editing of Volume V to begin.

Mr D. M. Blake, who from the time of his appointment in March 1968, assisted in the assembly, selection and preparation of documents for publication resigned in July 1981 to take up appointment as Senior Research Assistant, European Manuscripts Section in the India Office Library and Records. The Editors would like to place on record their warm appreciation of Mr Blake's many contributions to the work of the Historical Section, which included the preliminary selection of documents for inclusion in this as in earlier volumes, in the thirteen years in which he was a member of it.

Dr S. R. Ashton joined the Historical Section in March, 1981, and in respect of this last volume in the series, has taken over responsibilities earlier discharged by Mr Blake or Dr Carter. The Editors would like to place on record their indebtedness to him.

The Editors have pleasure in thanking Miss L. Atkin and Mrs C. F. Catlow who have done the typing necessary for the production of the Volume.

The series covers the period 1 January 1942 to 15 August 1947. The subtitles and dates of publication of earlier volumes are as follows:

Volume I	The Cripps Mission January–April 1942	(1970)
Volume II	'Quit India' 30 April–21 September 1942	(1971)
Volume III	Reassertion of authority, Gandhi's fast and the succession to the Viceroyalty 21 September 1942–12 June 1943	(1971)
Volume IV	The Bengal Famine and the New Viceroyalty 15 June 1943–31 August 1944	(1973)
Volume V	The Simla Conference: Background and Proceedings 1 September 1944–28 July 1945	(1975)
Volume VI	The post-war phase: new moves by the Labour Government 1 August 1945–22 March 1946	(1976)
Volume VII	The Cabinet Mission 23 March–29 June 1946	(1977)
Volume VIII	The Interim Government 3 July–1 November 1946	(1979)

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Volume IX	The fixing of a time limit 4 November 1946–22 March 1947	(1980)
Volume X	The Mountbatten Viceroyalty: Formulation of a Plan 22 March–30 May 1947	(1981)
Volume XI	Tha Mountbatten Viceroyalty: Announcement And Reception of the 3 June Plan 31 May–7 July 1947	(1982)

The principles of selection, the arrangement of documents—which is in chronological order throughout in so far as that has been ascertainable—together with other details of presentation were explained in the Foreword to the first Volume (pp. vi–x) with some further comments on particular points added in the Foreword to Volume III (pp. viii–xii). There is no need, therefore, to recapitulate what has been written on these matters here.

Two appendices relating to the Series as a whole have, however, been included in Volume XII. The first, entitled *Supplementary Documentation*, contains documents which, had they been available to the Editors at the time, would almost certainly have been reproduced at the appropriate places in the appropriate volumes as indicated in the footnotes appended to them; the title of the second, *Errata et Corrigenda*, sufficiently explains its purpose.

Finally it may be worthwhile restating the purpose of the Series and its scope. The former may be briefly defined. It has been to make available to scholars in convenient printed form documents relating to the formulation and execution of policies on the transfer of power from the India Office, the Cabinet's India Committee and the Cabinet's records at the London end, and from those of successive Viceroys and their advisers in New Delhi. The latter, the scope of the series, may be thought to require more elaboration. The phrase, 'the Transfer of Power and the events leading up to it' used by the Prime Minister, Mr (now Sir) Harold Wilson, on 30 June 1967,[5] while requiring construction by the editors in respect of the point of historical departure [see Volume I, pp. v–vi] imposed no such responsibility upon them in respect of a closing date. That was determined with a precision rare in history by the time of Transfer, midnight on 14–15 August 1947. This is something to which the editors in this last volume have paid rigorous regard. While for purposes of clarification or the rounding off of the record of some transactions, a few footnotes, an annexure [see No. 264] and three documents—the minutes of the meeting of Lord Mountbatten with the India and Pakistan leaders on 16 August to receive the awards of the Boundary Commission [No. 487], the Viceroy's last weekly letter to the Secretary of State and his last Personal Report [Nos. 488 and 489] covering the week ending 15 August but dated 16 August—have been added, the editors have otherwise observed the

[4] *Parl. Debs.*, 5th ser., H. of C., vol. 749, Written Answers to Questions, cols. 147–8.
[5] See above, note 4.

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limitation in time implicit in their brief. The documentary narrative which opens with a Governor's report dated 1 January 1942 on heightened Indian anticipation of internal political developments following upon the Japanese entry into the war [Vol. I, No. 1], accordingly ends with the last Viceroy's account of the tumultuous scenes that ushered in the day of transfer. With that, and after fifteen years, the task which the Prime Minister assigned to the Editors, and those who have assisted them, is fulfilled.

N. MANSERGH

Historical Section
India Office Records
June 1982

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Introduction to Volume XII

The concluding volume in the Series runs from 8 July to the midnight hour on 14–15 August, 1947 and the reader will find what the Secretary of State described [No. 402] as an 'immensely valuable', 'enthrallingly interesting' outline narrative of events in the Viceroy's weekly Personal Reports [Nos. 65, 162, 328, 302, 385 and 489].

At the outset of the period an early transfer of power on the basis of dominion status and partition, as outlined in the 3 June Plan [see Vol. XI, Nos. 23 and 39], had been accepted, or acquiesced in, by the principal Indian parties and leaders (Gandhi's attitude, however, remaining equivocal) [Vol. XI, Nos. 24, 27, 35, 36 and 38]: at its close, power was duly transferred on the appointed day into Indian and Pakistani hands. In the intervening weeks many things needed to be done to prepare not merely for transference but for transference with all the complications of partition of territory and division of resources, while coincidentally government at the centre and in the provinces, at a time of heightening tension in the areas likely to be most closely affected, had to be carried on. Of basic importance on the longer term were the passing of the necessary legislation for transfer of power at Westminster, matters related to it and the Report of the Boundary Commission (not published till 16 August); on the middle term the restructuring of government at the centre, in the provinces, the Punjab and Bengal, that were to be divided and possibly also in the North-West Frontier Province, whose future allegiance still remained to be determined by referendum; while looming very large on the near horizon were grave decisions on the provision to be made for the maintenance of law and order at a time when the armed forces were being divided and British troops about to be withdrawn.

Before indicating the nature of the documentation on these and other topics arising directly or indirectly from the 3 June Plan, mention should be made of another matter of importance that lay outside its scope, namely the future relationship of the Princely States with the successor dominions on the lapse of paramountcy on 15 August. Hitherto this was something that had remained on the perimeter of discussion, the Viceroy noting on 11 July: 'I must freely admit that I have not been able to grip this States problem before' [No. 65, para. 34]. Now, with the imminence of transfer, it moved towards the centre of the stage and, as will be later elaborated, up to one fifth of the documentation in this volume bears upon it.

The draft Indian Independence Bill, with the amendments made as a result of the comments submitted by the Indian leaders, was reprinted in Volume XI [No. 428]. There were further exchanges of view on a proposal by Sir Benegal Rau, who entertained apprehensions more especially about the position of the petty States, for the amendment of the proviso to section 7(1)(b) of

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the Bill relating to the powers of the States on the lapse of paramountcy, as well as one from the Congress pressing for a widening of the scope of the proviso by the inclusion of matters not already therein. The Viceroy, however, after discussion at his Fifty Fifth Staff Meeting on 9 July, at which Pandit Nehru indicated Congress party views, concluded that the arguments against amendment at that stage were 'overriding'—'morally indefensible' and 'politically inexpedient' were the terms used by the Political Adviser as repeated in the Viceroy's telegram to the Secretary of State [Nos. 30 and 37, Item 2; for background see Vol. XI, Nos. 513, 559, 560 and, in this volume, No. 9]. The Secretary of State indicated his agreement with the Viceroy on 15 July [No. 123], while on 17 July the Prime Minister wrote to Nehru saying that he had discussed the suggested amendment to the clause in the Bill about the States with Krishna Menon, news of whose appointment as High Commissioner in London [No. 74] he welcomed, but 'with the best of good will could not accept what was proposed' [No. 152]. There was complaint from another quarter, that of the Nizam of Hyderabad who, recalling that he had at no time been consulted about Clause 7, registered a protest at the proposed unilateral repudiation of Hyderabad's treaties with the Crown [No. 33; see also No. 39 for a proposal by the Secretary of State that the Prime Minister should make a statement on the position of the Princes].

It was accepted that there was need for a clarifying statement in respect of another provision of the bill. Members of Parliament, in the Prime Minister's opinion as expressed in Cabinet on 8 July, would assume from the terms of section 5 that at the outset the new Dominions would share a common Governor-General. Since this was not to be the case [see Vol. XI, pp. xxix–xxx and No. 564] explanations would be needed, Lord Mountbatten furthermore being 'most anxious' that the position should be made known so that he would not be accused of partiality if he accepted the Congress invitation and so served as Governor-General of India alone [No. 10; for Ismay's account of his meeting with the Prime Minister and members of the India Committee, see No. 14]. On 8 July the Prime Minister, who had already had consultations with Opposition leaders and received a message encouraging acceptance from Churchill for Mountbatten [No. 26], sent a personal telegram to the Viceroy saying that he understood 'very fully' his (the Viceroy's) feelings, that 'obviously' it would have been 'much better if you had held both offices' but in the situation as it was asking him 'most earnestly' to accept the Governor-Generalship of India as he (Attlee) believed 'this to be essential if the transition is to go through smoothly' [No. 27; see also No. 31 reporting the King's conviction that Mountbatten should serve]. There followed the text of the relevant passage in the Prime Minister's impending Statement to the House [No. 28]. The following day, 9 July, the Viceroy told his Staff Meeting that taking into account the messages he had received from the King, the Prime Minister and the leader of

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the Opposition he had finally, though with continuing unease, decided to accept the Governor-Generalship of India alone [No. 37, Item 1; see also No. 35 for his letter to Cripps]. This was duly conveyed to the Prime Minister with an expression of gratitude for all the thought the King, the Prime Minister, the Cabinet and the Opposition had given to the question [No. 42]. The Prime Minister replied with a telegram in which he said 'we are all delighted' [No. 48] and in a later letter he remarked: 'We are all very grateful to you for carrying on for this next stage. I am very conscious I put you in to bat on a very sticky wicket . . . few, if any, could have pulled the game round as you have' [No. 153].

The Indian Independence Bill received the Royal Assent on 18 July, two days ahead of time, as Krishna Menon noted in his letter to the Viceroy [No. 167], and with both Secretary of State and Prime Minister paying tribute to the co-operative attitude of the Opposition in making this possible [Nos. 153, 166, para. 15 and, for Mountbatten's reaction, see No. 237]. The text of the Act is reprinted in No. 164 and the Royal Assent reported in No. 165.

The passing of the Act and the determining of the date thereof had a bearing upon government at the Centre. The Congress had already strongly urged that the Interim Government should be forthwith restructured, preferably on the 'Bengal model' [see Vol. XI, pp. xxiii–xxiv and Nos. 354, 367, Case No. P.C. 1/1/47, 409, 410], a course to which the League was vehemently opposed on the dual ground that it would be 'humiliating' for them as well as legally untenable, contending *per contra* that the Interim government should remain in existence till the time of the transfer 'a few weeks hence' [see Vol. XI, pp. xxiii–xxiv and *ibid.*, Nos. 367, Case No. P.C. 1/1/47 and 506, paras. 9 and 10]. The Viceroy, confronted by Congress-League differences which, he later remarked, made the reconstitution of the Interim Cabinet 'my worst headache to date' [No. 162, para. 10], accepted that 'the later I could put this [reconstitution] off the easier for Jinnah but the worse for Nehru' and concluded that it could be deferred but not beyond the date of the enactment of the Indian Independence Bill [No. 8].

Reconstitution of the Interim Government required the resignations of existing members and on 4 July the Viceroy had asked for them [Vol. XI, No. 493, Case No. 171/33/47]. By 8 July he had received those of the Congress members: from the League, some of whose members were away because of the referenda in the North-West Frontier Province and Sylhet, only an enquiry as to the nature of the new proposals [Nos. 8, 12, Item 3, and 21]. There followed 'a rather difficult interview' with Jinnah that evening (8 July), the Viceroy reporting Jinnah as having said that 'all League Members of Cabinet are extremely bitter at this deliberate humiliation being inflicted on them . . . by the Congress' and 'are considering refusing to resign in order to force me to dismiss them' but that they had not yet decided their courses of action [No. 24;

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see also No. 21]. On 9–10 July the Viceroy, sensitive to his own position should he, the Governor-General designate of the new India, be forced to dismiss the League members and redistribute their portfolios to Congressmen, instructed his staff to look into ways in which two completely separate governments might hold office, each for the areas to come under its future jurisdiction, for the three weeks remaining before 15 August [Nos. 32 and 51]. Patel, who had asked that 'the Muslim officials in the government of India should be got rid of as soon as possible', was reported as not unfavourable to such a solution [Nos. 53 and 63], while Krishna Menon sent a note on how it might work [No. 54 and its note 1]. On 11 July the Viceroy conveyed to Pandit Nehru and Patel his intention of proceeding with reconstitution on this basis, ie with two groups of ministers representing the two successor governments, each holding separate portfolios for their future jurisdictional areas. Were both parties to agree 'we shall', the Viceroy reported the same day, 'have got over by far the most difficult hurdle we have had to jump so far' [Nos. 63, 65, para. 18 and 76, Item 1 for Nehru's and Patel's reactions]. The following day he discussed the proposed reconstitution, which would avoid the need for League resignations, with Jinnah who, however, 'did not appear particularly grateful' [No. 82].

The purposes to be served by reconstitution were indicated at a Staff Meeting on the morning of 14 July [No. 99] and the draft of an Order in Council authorising it was laid before a further Staff Meeting that evening [No. 108, Item 1]. The Order provided formally for the immediate constitution of a Provisional Government for each of the new dominions by which the Viceroy might be advised on matters affecting each of them. On 15 July the Viceroy made known to Jinnah and Liaquat his intention of proceeding in this way, pointing out that he was empowered to do so under clause 9 of the Indian Independence Bill [No. 112]. The last meeting of the old Interim Government took place on 16 July, the Viceroy explaining to members that he thought it proper that each of the new dominions should have its own embryo government immediately on enactment of the Indian Independence Bill [see No. 116 for an explanatory note by the Viceroy, together with the text of the draft Order and the draft communiqué to be issued with it; No. 127 for the discussion (on 16 July) at the Indian Cabinet; No. 147 for the reactions and detailed comments of the Secretary of State; No. 155 for the text of the communiqué as issued and No. 170 for that of the Executive Council (Transitional Provisions) Order, 1947].

On 19 July Nehru, after consultation with his colleagues, conveyed to the Viceroy recommendations, described as provisional, for the members of the Congress-India part of the reconstituted government [No. 172] and Liaquat Ali Khan duly confirmed League nominations for portfolios in the provisional Government of Pakistan [No. 173].

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The volume contains substantial documentation on problems of law and order, principally relating to the Punjab, which the Viceroy wrote of on 11 July as a 'most unsettled' province, though there had been an 'unexpected' outbreak of disorder in Calcutta in early July [No. 65, paras. 2 and 3]. The Governor of Bengal, who had taken certain precautionary measures, nonetheless remained hopeful that he would be able to 'jolly along' with his 'odd ministry' until 15 August [No. 65, paras. 5–7]. On 16 July the Viceroy, having received enquiries from Nehru, asked for an appreciation of the situation in the province bearing in mind Congress fears lest the League might wreck Calcutta before handing the city over to the dominion of India [No. 138]. The Governor sent a cautiously reassuring reply on 18 July [No. 161], the substance of which was conveyed to Nehru on 21 July [No. 193]. The Viceroy visited Calcutta on 30–31 July chiefly to discuss matters before the Bengal Separation Committee which, in Abell's opinion, had started work 'amicably and well' [No. 16] but had since got into difficulties [No. 203, para. 4]. He also had consultations with the Premier, H.S. Suhrawardy, P.C. Ghosh (representing the embryonic government of West Bengal) and Army and District Commanders on security arrangements in the course of which reassurances were given in particular about their ability to protect Calcutta [Nos. 287, 289, 290 and 291; see also No. 364].

The situation in the Punjab, which continued under Governor's rule, despite intermittent proposals for the formation of a Ministry which the Governor deemed too risky in the circumstances to adopt, gave rise to altogether more disturbing reports, one factor constantly underlined being the possibly violent reactions of the Sikhs as the seemingly inevitable division of their homeland drew nearer. On 8 July Reuter's Indian Service carried reports of the Sikhs' 'protest day of prayer' with congregations approving a resolution that any 'partition that did not secure the integrity and solidarity of the Sikhs would be unacceptable' and with Baldev Singh saying—though he later disputed this without, however, carrying conviction to the Viceroy [No. 65, para 9]—that the Sikhs should be prepared to make 'all sacrifices' if 'the verdict of the Boundary Commission went against them' [No. 17]. On 10 July the Governor sent the Viceroy an account of a conversation with Giani Kartar Singh who was 'extremely frank about the intentions of the Sikhs . . . what he said confirms my view that they mean to make trouble if the decision based on the Boundary Commission's Report is not to their liking', and he concluded that with 'everyone behaving as though they had just been at war and were going to have a new war within a few weeks' there was little prospect of the only solution that would give the two new provinces a peaceful start, namely 'a settlement out of court' [No. 56; see also No. 67 for further expressions of Sikh views].

On 12 July Sir George Abell, after a long talk with the Governor, reported

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on the situation in the Punjab remarking, *inter alia*, 'there is no doubt the Sikhs are in a dangerous mood'. With regard to other matters he expressed surprise at the extent the representatives of the successor authorities were 'already consulted and allowed to have their way about all matters other than law and order', felt that partition work, though proceeding slowly, was more advanced than in Bengal, and remained convinced that there should be no attempt to form a Ministry [No. 81]. An appreciation by the Governor was attached.

On 13 July the Governor, in his capacity as Chairman of the Punjab Partition Committee, submitted memoranda prepared by the representatives of West and East Punjab on matters on which they had been unable to agree, of which the most important was the question whether the East Punjab Government should leave Lahore if the Boundary Commission award had not been published and the notional boundary still prevailed on 15 August, and which they desired to have laid formally before the Viceroy for decision by the Partition Council [Nos. 89 and 90]. This was done on 17 July, the Viceroy indicating that he would shortly visit Lahore to help the Provincial Partition Committee on how best to deal with the matters in dispute [No. 148, Case No. P.C. 56/6/47].

At its meeting the Central Partition Council also had before it a plan prepared by the Commander-in-Chief at the request of the Viceroy [No. 102; see No. 88 for a record of a discussion between Nehru and General Sir A. Smith] to deal with possible clashes or disturbances along the boundaries of the two Dominions after 15 August. The plan envisaged that a Joint Defence Council would have the authority of both the Indian and Pakistan governments to declare any affected districts 'disturbed areas' and, when this had been done, the Supreme Commander on the request of the Joint Defence Council would appoint a British Commander vested with military control and supplied with a sufficiency of forces to restore order. Similar arrangements were proposed for the period before 15 August and to apply in Bengal, where very serious trouble was not anticipated apart possibly from Calcutta, as well as in the Punjab [No. 102]. The Partition Council approved these recommendations and agreed that Major General Rees be appointed as Joint Commander on behalf of both dominions controlling all forces in such disturbed areas and that the Joint Defence Council should be constituted so as to meet in a preliminary way by the first week of August [No. 148, Case No. P.C. 47/6/47—in fact the Council met for the first time on 26 July and again on 29 July, see below pp. xvii and xxv]. The Viceroy deemed it essential that the two Dominions should make it clear they took full responsibility for the association of British officers in this task and said he would have a draft statement prepared on this point and also giving assurances to minorities [No. 148; see also Nos. 283 and 339].

The Viceroy's visit to Lahore took place on 20 July and at a meeting with the Punjab Partition Committee it was agreed in respect of unresolved questions that the Government of East Punjab should move all unessential personnal to

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Simla by 10 August with the remnant to follow by midnight on 14–15 August, were Lahore to be placed in West Punjab. On his return to Delhi the Viceroy further reported to the Partition Council on 22 July that all the members of the Committee had declared their parties would accept and abide by the decision of the Boundary Commission and had agreed to issue and sign a statement reassuring minorities and warning against disturbances [No. 228, paras. 6–14; but see Nos. 272, 292, encl., 302, para. 10, 305 and 306 for Sikh failure to do so]. The Council itself approved the draft of a Statement declaring the determination of the new dominion governments to establish peaceful conditions and re-affirming earlier assurances of Congress and League on fair and equitable treatment of minorities after transfer. To safeguard peace in the Punjab during the period of change-over, the members of the Council confirmed their agreement to the setting up of a special military command from 1 August to cover listed civil districts in the Punjab under the command of Major-General Rees who after 15 August would be responsible through the Supreme Commander and the Joint Defence Council to the two Governments. Both Governments pledged themselves in advance, to accept the Boundary Commission's awards 'whatever these may be' [Nos. 205, Case Nos. P.C. 74/8/47 and 81/8/47 and 224].

Despite military provision and the strongly worded declaration, information from the Punjab was no more reassuring. The Governor, concerned at news of a forthcoming Diwan at one of the Sikh shrines, Nankana Sahib (in fact it 'fizzled out', No. 272), advised Swaran Singh that the Sikhs should dismiss from their minds any idea of large territorial gains [No. 238]. But on 27 July information was received of Sikh intentions of starting trouble on a big scale if Nankana Sahib were not included in East Punjab, together with reports of Muslim counter-preparations and of an attempt to subvert troops, all of which were referred to the Provisional Joint Defence Council on 29 July. In the meantime the Governor had telegraphed on 27 July that the general situation was worsening and had followed this up with a detailed report in the course of which he commented that 'feeling in Lahore is perhaps worse than it has ever been' [Nos. 250, 254, 276, Case No. J.D.C. 11/2/47 and 292]. On 30 July the Viceroy, in the light of the Provisional Joint Defence Council discussion on 29 July, informed the Governor that he had been asked to instruct him to declare districts likely to be affected on either side of the Boundary 'disturbed areas' for the period 1 to 15 August, 1 August being the day on which the Boundary Force was to come into being [Nos. 286 and 299]. 'There is going to be trouble with the Sikhs' the Governor's Secretary telephoned that day (1 August), adding 'when and how bad the Governor cannot yet say' [No. 306]. On 4 August Nehru made certain suggestions which the Viceroy passed on to the Governor and wrote of the apprehension with which, in the 'very tense' atmosphere in Lahore, 15 August was awaited [No. 331; for the Governor's

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rejoinder endorsed by the Viceroy, see No. 34]. The same day the Governor sent to the Viceroy a detailed memorandum, for which the Viceroy had asked on 20 July, refuting the criticisms [see eg Vol. XI, Nos. 218 and 338, Case No. 155/32/47] which had been levelled at the Punjab government for their handling of the disturbances in the Province in 1947 [No. 337; for the Viceroy's observations, see No. 408].

A fresh issue was opened for decision with the Governor's despatch of a cryptic message to the Viceroy on 4 August [No. 338] followed on 5 August by a meeting at which Jinnah, Liaquat and Patel were present together with a Police Officer from the Punjab who conveyed information allegedly implicating Tara Singh in terrorist activities. The Viceroy with the concurrence of those present concluded that he should recommend to the Governor of the Punjab the arrest of Master Tara Singh and other ringleaders about the time of the Boundary Commission's Award [Nos. 345, 346, 359, para. 2 and 361]. Jinnah, who favoured immediate action, agreed by way of compromise [No. 379]. The recommendation was not acted upon for reasons which were set out in a letter of 9 August from the Governor to the Viceroy [No. 403]. With the situation 'most serious' the Governor, who was satisfied 'everything possible is being done with the resources available', asked for reinforcements of a specific nature for the Punjab Boundary Force to which the Viceroy responded helpfully [Nos. 382 and 404].

The outbreak of serious disorders on 12 August in Lahore where 'feeling is now unbelievably bad' led the Governor to report bleakly that the strength of the Boundary Force is 'not adequate to present and future tasks'. He further reported that police in Lahore and Amritsar were now unreliable and that the railways would not be safe unless the army could take over 'war Department' lines [Nos. 437 and 448]. On the following two days he sent reports of attacks on two trains and of a deteriorating and most unsatisfactory situation [Nos. 466 and 484]. Finally on 14 August Field Marshal Auchinleck visited Lahore and reported on the situation in the Punjab Boundary Force area to the Joint Defence Council [No. 486].

In the North-West Frontier Province threats to law and order, discounted by the Viceroy [No. 228, para. 5] were associated by the Congress with the holding of the referendum to determine the future allegiance of the Province [for background, see Vol. XI, pp. xxi–xxii and documents referred to therein]. According to the 3 June Plan the choice was two-fold—the participation of the Province in the existing Indian or in the contemplated Pakistani Constituent Assembly. Renewed representations made to the Governor by Abdul Ghaffar Khan and Dr Khan Sahib, the premier, for the addition of a third option, namely an autonomous Pathan State, [see Voll XI, p. xxii and, in this volume, No. 130] were not taken up by the Viceroy and the Redshirt intention to abstain from voting remained. Expressions of Afghan interest were consistently

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discountenanced [Nos. 70, 132, 136, 142; also 177, 321 and 348 for an account of the Foreign Secretary's conversation with the Afghan Prime Minister]. In anticipation of the outcome of the referendum the Acting-Governor outlined on 9 July in the light of discussions with party leaders, the courses likely to be open to him after the outcome was known. Given Dr Khan Sahib's 'emphatic' view that there could be no question of a coalition—'his party could never work with the Muslim League'—and so allow 'a correct constitutional solution'. the Acting-Governor indicated he would seek the Viceroy's permission to dismiss the Ministry and govern under Section 93 [No. 45]. The Viceroy, however, was clear that in this matter he should act on the advice of the embryo government of Pakistan [No. 76, Item 5]. On 12 July he sounded out Jinnah, who favoured dismissal of the Ministry and Section 93, the Viceroy himself being 'dead against' Section 93 [No. 82]. In replying to the Acting-Governor the Viceroy further noted that 'the whole context' had been altered by the fact that Jinnah would be Governor-General of Pakistan [No. 101].

The result of the referendum, with members of Congress abstaining, was 289, 244 votes for Pakistan, 2,874 for India, the votes for Pakistan being 50.49 per cent of the total electorate [No. 187]. The Viceroy recorded his satisfaction that in fact there had been no violence and also that, with over half the electorate in favour of Pakistan, the result was clear cut [No. 228, paras, 2–4]. On 20 July the Acting-Governor sought permission, if Ministers refused to resign, to dismiss them and himself to assume power under Section 93 [No. 188]. The Viceroy, however, adhered to his decision to seek the advice of the Pakistan Executive Council and did so on 1 August [No. 301]. The Viceroy was invited by the Council either to ask the existing ministry to resign and to call on the leader of the Muslim League to form a new Ministry or to approve the Province being placed under Section 93. The Viceroy responded by saying that whichever course he adopted he would first have to satisfy himself as to its constitutionality and, on 5 August, he sought advice from the Secretary of State [No. 342; see also Nos. 363, 374 and 381]. On 8 August the Secretary of State replied casting doubt on the constitutionality (as distinct from the legality) of either course and favoured leaving the problem to be resolved after 15 August [No. 387]. There the new Governor, Sir George Cunningham, taking office on 13 August, persuaded Jinnah to let the matter rest [Nos. 481 with encl. and 489, para. 28].

A referendum was also held in Sylhet on the question of joining East Bengal or remaining in Assam, the result of which showed a majority of 55,578 in favour of the former [No. 92]. There were allegations of irregularities made to Nehru and passed on by him to the Viceroy and the Governor into which the Governor made enquiry, Nehru being satisfied as a result that such as they were, they were not on a scale to have affected the result [No. 94, 95, 98 and

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107]. The Viceroy had also received complaints of interference from Jinnah [No. 98].

As had already been mentioned the future relationship of the Princely States to the new dominions became a major preoccupation of the Viceroy and the party leaders in the last weeks before transfer. The States, as may be recalled, [for background see Vol. XI, pp. xxvii and xxviii] lay outside the scope of the 3 June Plan, but the Cabinet Mission's memorandum of 12 May, 1946, was, as the Viceroy later noted, specifically quoted in the Statement and publicly accepted by both parties [Vol. VII, No. 262 and, in this volume, No. 65, para. 26] while members of the States Negotiating Committee were told by the Viceroy that evening, ie of 3 June, that paramountcy would lapse on transfer thereby rendering negotiations with the new dominions possible 'on a basis of complete freedom' [Vol. XI, No. 43]. At a meeting on 13 June with the Indian leaders it was agreed that a new 'States Department' should be set up to deal with matters arising and of common concern [Vol. XI, Nos. 175, Item I and 197]. This was approved by the Indian Cabinet on 25 June [Vol. XI, No. 338, Case No. 152/32/47] with Patel being appointed as Member in charge, V.P. Menon as Secretary and Akhtar Hussain as 'Pakistan' Deputy Secretary [No. 65, para, 27]. On 9 July it was further agreed that Sardar Nishtar should have access to the Secretary of the States Department [No. 37, Item 2], an arrangement which laid the groundwork for the Pakistan States Department, the establishment of which would be facilitated, as the Viceroy advised Nishtar on 17 July, by the splitting up of the government [No. 150; see also No. 151 for a note by V.P. Menon on the States with which Pakistan was concerned and in which it was noted that Kalat, a frontier state, 'ought really to go into Pakistan' while Kashmir represented 'some difficulty'].

The British Government welcomed the setting up of the States Department because, as the Secretary of State put it on 9 July in the draft of a statement to be made by the Prime Minister when introducing the Indian Independence Bill in the House of Commons, it was H.M.G.'s hope that all States would 'find their appropriate place within one or other of the new Dominions within the British Commonwealth' and its belief that it would be retrograde and contrary to the interests of the two successor Dominions, as of the States themselves, were they to become islands cut off from India of which they were a geographical part. At the same time, so the Secretary of State suggested in his draft, the Prime Minister might remind the House of the terms of the Cabinet Mission's memorandum of 12 May 1946 to the effect that since H.M.G. would not and could not in any circumstances transfer paramountcy to an Indian government, it would be necessary to terminate paramountcy and the suzerainty of the Crown over the Indian States and might further outline the consequent international position of non-acceding States after 15 August [No. 39]. V.P. Menon, however, was much disturbed by the possibility of the

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Prime Minister making any such statement. 'The present plan to which we are working', he wrote 'is that at the forthcoming conference of States representatives the first proposal which we intend to make is that the States should join immediately on three subjects, namely External Affairs, Defence and Communications'. Several states had already done so while important negotiations were pending with the major states of Hyderabad, Mysore and Travancore. Even 'an inkling', such as the Secretary of State's draft might afford, that H.M.G. might accord independent recognition would make 'infinitely more difficult' all attempts to bring the States and the new Dominions together and would be regarded in India as an attempt to retain British influence over the States [No. 1]. On 8 July, Menon received reassurance that the paragraphs concerning the international position of the States would not be included in the Commons Statement [No. 23; see also No. 39]. On 12 July the Viceroy advised the Secretary of State that any attempt by Parliament to define the international position of non-acceding States would be premature [No. 85].

At this juncture there were expressions of concern from Congress about the future of the States, with Gandhi urging the Viceroy to do everything in his power to ensure that the British did not leave a legacy of Balkanisation [No. 43] and Baldev Singh raising the problem of the supply of arms to the States [No. 66]. Upon enquiry from Nehru and Patel as to 'what he was going to do to help India in connection with her most pressing difficulty—relations with the States', the Viceroy replied that he would now make the cause of agreement his own, the more so as the Indian leaders had stated that the States need only join the Centre on the three main central subjects listed in the Cabinet Mission Plan [Nos. 37, Item 2 and 65, paras. 29 and 30]. At the invitation of the Congress leaders he assumed responsibility for the conduct of negotiations with the Princes in the first instance, as he made clear to Sir Walter Monckton, the Nizam's adviser, on 8 July and also to Gandhi [Nos. 11, 37, Item 2 and 43].

States were informed on 8 July that accession on the three subjects would be on the Agenda for the meeting of Rulers and their Representatives to be held later in the month, 25 July being the date subsequently determined [No. 2; see also No. 75]. In the period between the Viceroy was active in seeking to persuade the rulers of States individually to consider the action they should take in their States' and their own individual interests.

In conference with the representatives of Hyderabad on 11 July, the Viceroy agreed that there was 'no shadow of doubt that the legal position was that the States would be absolutely free after 15 August', but on behalf of H.M.G. he ruled out the possibility on practical and political grounds of Dominion Status for Hyderabad, as had been sought, and urged, *per contra*, acceptance by Hyderabad of adherence on the three central subjects. While Sir Walter Monckton and the Nawab of Chhatari emphasised that the Nizam would have great difficulty in taking any course likely 'to compromise his independent

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sovereignty' the Viceroy prophesied disastrous results in five or ten years if his advice were not taken [No. 61]. On 13 July Jinnah, with special reference to Kashmir, reiterated his opinion that the Indian States were free to join either Constituent Assembly or to remain independent [No. 87]. On the same day the Dewan of Travancore, Sir C.P. Ramaswami Aiyer, to some of whose earlier observations Nehru had reacted sharply [No. 6], conveyed a message to the State Department to the effect that the problems of the State being special and individual, there could be no question of any accession to either dominion and no point in its representatives participating in the meeting called for 25 July [No. 93; see also the earlier and less uncompromising letter of 9 July, No. 58, and V.P. Menon's reply, No. 104].

The Secretary of State circulated a memorandum to members of the India and Burma Committee on 14 July documenting the Travancore situation [No. 106] while on the passage of the Indian Independence Bill through both Houses the Dewan so interpreted what was happening as to conclude that 'in law as well as in fact Travancore will become an independent country' from 15 August but would do its utmost to agree on functional cooperation over a wide range of practical matters with India [No. 146]. V.P. Menon indicated in a letter of 20 July to Abell his views on how the arguments for accession might best be deployed by the Viceroy [No. 185], while Sir C.P. Ramaswami Aiyer's concern with economic factors emerged in the record of an interview with the British Deputy High Commissioner [No. 192; see also No. 202 for comments by Corfield]. There is a lively account of the Viceroy's talk with the Dewan on 21 July in the Viceroy's Personal Report dated 25 July [No. 228, paras. 16–19]. On 22 July the Viceroy further wrote to the Maharaja setting out the case for accession [No. 203]. The terms were those he felt in a position to offer to the States generally, namely accession on the three central subjects but 'without any interference in internal autonomy or jurisdiction or any financial implications' which seemed to him most attractive by comparison with earlier prospects. Furthermore he felt 'positive' that if he could bring in 'a basket-full of states before 15 August Congress will pay whatever price I insist on for the basket' [No. 228, paras. 24 and 25].

The Conference of Rulers and Representatives of Indian States in the Chamber of Princes on 25 July enabled the Viceroy to bring home to his audience the imminence of change and the need for decision—though he complained that the representatives of the smaller States scarcely seemed to grasp what he was saying [Nos. 234 and 302, para. 44]. The Viceroy explained that with the passage of the Indian Independence Act, the States were released from all their obligations to the Crown and proceeded to emphasise that the link that subsisted in the British period, with Viceroy and Crown Representative one and the same person, was to be broken. If nothing were to be put in its place 'only chaos can result' and, with chaos, the States would suffer first. To

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avert this States' departments had been set up within the two successor governments under Sardar Patel and Sardar Abdur Nishtar respectively. They would negotiate with the Princes about the future with this difference in procedure, that while Pakistan was prepared to negotiate with each State individually—indeed it seems Jinnah insisted on this [see No. 228, para. 26]—India, because of the large number involved, would do so only on a general basis of signature of the draft Instrument of Accession [for text in final form, see No. 313, Enclosure 1] which was circulated to the Rulers. The essence of the transaction was the surrender by the States to the Central Government concerned of three subjects —Defence, External Affairs and Communications—with an explicit provision that in 'no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States'. In the Viceroy's view this would be a 'tremendous achievement' for the States: he urged their Rulers to accede, reminding them that they could not 'run away from the Dominion Government which is your neighbour' and advising them 'if you are prepared to come [in], you must come before 15 August' No. 234].

On 1 August the Viceroy listed the States that had been seriously holding out —Travancore, Hyderabad, Dholpur, Indore and Bhopal. The first and in the Viceroy's opinion, the one of critical importance, Travancore gave in under pressure from the States' People's movement and after an assault on the Dewan, the Maharaja conveying his acceptance of the Instrument of Accession personally to the Viceroy on 30 July [Nos. 284 and 302, paras. 45–46]. Of the remainder, Dholpur and Indore may be dealt with together. The Maharaja of Dholpur, imbued with a deep conviction of the divine right of Kings, received from the Viceroy an uncompromising response when, in an attempt to maintain his dignity, he suggested a treaty relationship as an alternative to accession [Nos. 242 and 265]. It was not until the last allotted day, 14 August that he came and signed the Instrument of Accession [No. 489, para. 50]. The Maharaja of Indore, who had earlier received a stern rebuke from the Viceroy for his irresponsibility and discourtesy to the Crown Representative [No. 335], failed to deliver his Instrument of Accession until 15 August but then backdated his signature to 14 August [No. 489, para. 49]. The Nawab of Bhopal, the Viceroy's 'second best friend' in India [No. 302, para. 52] disclosed his state of mind, his thoughts on abdication, his pessimism about the future in a series of letters and personal talks with the Viceroy [Nos. 160, 201, 239, 297, 302, para. 52, 325 and 366] all of which and a good deal more caused the Viceroy to reflect that he supposed he had 'spent more time on Bhopal's case than on all the other States put together' [No. 385, paras. 7 and 8]. The outcome was not without its curious interest. On 10 August the Nawab, contemplating abdication, asked for an extension of ten days [No. 412] from 15 August which *inter alia* would enable him to see what decisions were taken by Hyderabad and Kashmir [No. 426, note 1]. On 11 August, by which time the Viceroy had

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secured the agreement of the Indian Cabinet to an extension for Hyderabad, the Viceroy suggested a compromise agreeable to Patel, by which Bhopal would sign and date an Instrument of Accession by midnight on 14 August which, however, would not then be delivered to the States Department but be retained by the Viceroy until 25 August, unless otherwise instructed by Bhopal [Nos. 435, 482 and 489, paras. 47 and 48]. The Nawab decided further not to abdicate for the present [No. 482].

Hyderabad and Kashmir remained. The situation within Hyderabad was described by the Resident on 28 July [No. 264]. On 26 July, in response to the Viceroy's invitation to the Nawab of Chhatari to represent Hyderabad on the States Negotiating Committee, the setting up of which was announced at the meeting on 25 July [No. 234], the Nawab stated that it would be inappropriate for him to participate because Hyderabad had not joined the Constituent Assembly and was 'not interested' in the problem of accession [No. 241]. Representatives of Hyderabad did, however, attend the meeting and asked questions designed to indicate their attitude [No. 240]. On 1 August the Viceroy wrote that although everybody else appeared to have given up hope of Hyderabad coming in, he (the Viceroy) still thought Monckton had 'a sporting chance' of managing it [No. 302, para. 47]. There followed a fruitless meeting on 3 August [No. 329] of which Monckton's seems to be the only surviving record. On 8 August the Nizam wrote at length to the Viceroy to make the position of the State clear and to indicate that he was prepared to contemplate only a Treaty relationship [No. 376]. On 12 August, after two further interviews with Monckton [Nos. 420 and 434], the Viceroy, while noting that he would no longer be Crown Representative, conveyed to the Nizam the concurrence of the future government of India in his continuing negotiations for a further period of two months after 15 August in which he hoped 'we shall be able to reconcile our views' [No. 440; see also No. 489, para. 51].

On Kashmir, to which State the Viceroy had paid a visit in June [see Vol. XI, No. 369, para. 30], there is substantial documentation only on the plans about a visit either by Nehru or by Gandhi to the State. It was finally decided that Gandhi should go [see Nos. 129, 149, 249, 259, 260, 269, 302, paras. 25–33 where the story is told as seen by the Viceroy, and 385, para. 19]. In his concluding Report the Viceroy seemingly had no news of Kashmir other than that the Maharaja had decided to dismiss his Dewan, Pandit Kak, and that he was now said to be contemplating a referendum provided the Boundary Commission gave him land communications with India [No. 489, para. 51]. Mention should also be made of the extended negotiations between Pakistan and Kalat in which the Viceroy played an active part [Nos. 174, 228, para. 15, 263, 303, 317, para. 6, 330, 351, 360, 375, 384, paras. 1–3, 385, para. 2 and 396]. 'It appears', the Viceroy concluded on 16 August, 'as if this great problem of the

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States has been satisfactorily solved within the last three weeks of British rule' [No. 489, para. 51].

In London there were misgivings on the part of the Secretary of State and his advisers on the pressure, especially in respect of the rigid time-table imposed by the Viceroy upon the Princes which, after consultation with the Prime Minister, the Secretary of State conveyed to the Viceroy. The latter reacted sharply: the former withdrew unreservedly [Nos. 262, 275, 307, 340, 383 and 401].

Meanwhile as the day of partition and transfer neared pressure of work increased and friction became 'more intense' though the Viceroy also felt 'more than ever convinced that if the date of transfer had been 1 October there would have been a serious risk of a complete breakdown' [No. 302, para. 1]. In these circumstances the instrumentalities devised to effect the necessary change ie the Partition Council, its Steering Committee and the expert Committees that worked to it at the Centre [see Vol. XI, pp. xv–xvii for background] had unusually exacting assignments. In respect of the Provinces some indication of the task and the difficulties that arose was given in respect of Bengal on the occasion of the Viceroy's visit on 30–31 July to help resolve differences in the Separation Committee [see above p. xv and Nos. 287 and 302, paras. 4–8] and, in respect of the Punjab, in the Governor's letters of 13 July already alluded to [Nos. 89 and 90] to be read perhaps in conjunction with the comment in the Governor's last report to the Viceroy to the effect that the Punjab Partition Committee completed such work as it was able to do by 11 August but the Committee really agreed about very little and most important questions were left to arbitration or for the new governments to settle [No. 459, para. 7]. On the other hand the Viceroy reported a very successful meeting with the Committee on 22 July [Nos. 205, Case No. P.C. 80/8/47 and 228, paras. 6–13].

The working of the machinery at the Centre where, the Viceroy reported to the Secretary of State, the Partition Council was meeting three times a week in mid and late July [Nos. 162, para. 1 and 228, para. 1] was acknowledged to be very dependent upon the high quality of the Steering Committee composed of H.M. Patel and Chaudri Mohammad Ali [No. 162, para. 18]. As already mentioned, it had been agreed that a Joint Defence Council, which upon transfer would supersede the Partition Council, should be constituted so as to meet in a preliminary way by the first week of August. In fact it came into being to meet a felt need during the last week of July [No. 302, para. 1] though it was not formally constituted by Order until 11 August [No. 425]. On some occasions the meetings were tense and unproductive, the Viceroy reporting that on 31 July to have been 'the most difficult Joint Defence Council and Partition Council meeting that we have had so far' [No. 302, para. 12]; on others they went smoothly and profitably—as on 15 July when seven items were

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disposed of in under twenty-five minutes [No. 162, para. 18; see also No. 385, para. 27].

There remained the constitution of an Arbitral Tribunal and the appointment of its Chairman on which much was thought likely to depend. The purpose of the Tribunal was to determine issues on which either the Partition Council or the provincial partition committees had failed to reach agreement and both the Secretary of State and Viceroy were anxious to establish it as soon as possible so as to speed the resolution of disputed issues [Nos. 73 and 96]. A first proposal for Chairman was Sir Cyril Radcliffe, a second that of the Chief Justice, Sir Patrick Spens, but when Radcliffe took over the chairmanship of the Boundary Commission and Spens was approached, he ruled that the Chairmanship would be incompatible with the Chief Justiceship of the Federal Court [cf. Vol. XI, pp. xvii–xviii]. In the end he decided to resign from the latter and serve in the former capacity [Nos. 65, para. 13 and 148, Case No. P.C. 55/6/47]. A Hindu and a Muslim judge were appointed to assist him. The aim and object of the Partition Council was, in the Viceroy's words, 'to avoid referring matters to the Arbitral Tribunal whenever possible, and whenever a common sense solution could be found' [No. 287]. By 8 August the Viceroy reported that no case had so far to be decided by the Tribunal.

The nature of the problems that arose in respect of the division of liabilities and assets, in so far as that had proceeded by 15 August, may be gathered from the reports of the provincial partition committees, not least those alluded to in another context above, and the Central Partition Council. The minutes of the Viceroy's Twenty Fourth Miscellaneous Meeting on 30 July add some realistic detail about the general issues and respective standpoints [No. 287] while Sardar Patel's letter and a note by Mr Cooke, both of 6 August [Nos. 354 and 355], bring out the possible consequences of failure to agree in respect of the division of certain material assets and the sharing of responsibility for the public debt [see No. 369, Item 4; for subsequent discussion at the Viceroy's Staff Meeting on 7 August, the formulation of the Viceroy's proposals and, Jinnah's 'flat refusal' to agree to them, see No. 385, paras. 31–38 and 'midnight stop press'; for Patel's exposition of Indian views on 11 August, see No. 423 and, for the Viceroy's resolution of the issues involved, see No. 489, paras. 30–32].

Of major importance was the division of the armed forces and the associated questions of the date of the withdrawal of British forces and of the negotiation of any defence treaty with the new dominions before the 15th August, all of which were reviewed at a meeting of the Chiefs of Staff Committee on 9 July with Lord Ismay present [No. 41; see also No. 49]. British Armed Forces, the Prime Minister stated, would start to be withdrawn on 15 August and their withdrawal was expected to be completed by the end of the year [No. 50; see also No. 489, note 53], Mountbatten on 9 July confirming that this would not

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affect the ability of the Indian Army to protect the North-West Frontier [No. 44]. On 10 July a directive was issued by the Chief of the General Staff to Regional Commands on the Reconstitution of the Armed Forces [No. 57]. On 11 July Pandit Nehru wrote to the Viceroy and urged upon General Sir A. Smith more rapid nationalisation of the Forces with Indian Officers promoted to the highest ranks more quickly than General Smith thought practicable at a time when the Armed Forces were being divided and reconstituted [Nos. 69 and 88]. The Viceroy with the concurrence of the party leaders issued a circular notice encouraging British officers to serve, if invited, in the forces of the new dominions [Nos. 64, 69, 79 and 80; for numbers who volunteered, see Nos. 385, para. 56 and 489, para. 35].

The Viceroy advised on 15 July that a public announcement should be made to the effect that British Forces would not be used operationally or be available to intervene in internal disorder after 15 August and the Secretary of State concurred [Nos. 124, 169 and 283]. A directive with instructions to this effect was issued by General Sir Arthur Smith on 29 July [No. 267; see also No. 276, Case No. J.D.C. 9/2/47]. The division of the Armed Forces provoked controversy [No. 302, paras. 13–15] and in process of so doing hardened Congress feeling, notably against Auchinleck [Nos. 247, 270, 302, para. 15 and 385, paras. 44–47; for a note on the position of the Supreme Commander and his Staff during reconstitution, see No. 304]. The Prime Minister, as Ismay reported from London, had decided that it would be most untimely to discuss Britain's long-term strategic requirements with Indian leaders [No. 49; see also Nos. 219, 352, Case No. J.D.C. 47/7/47, 385, para. 41, 402, para. 28, 443 and 488, paras. 12 and 13].

The Chairman of the Boundary Commission, Sir Cyril Radcliffe, arrived in Delhi on 8 July. Two days later he left for visits to Bengal and the Punjab and his favourable impressions of the other members of the Commission in both Provinces were reported by the Viceroy [Nos. 65, para. 8 and 162, paras. 4 and 5, while for enquiries by the Governor of the Punjab on supply of information for the Commission, see Nos. 3, 12, Item 1 and 19]. It was agreed among the Viceroy's staff on the day of Radcliffe's arrival that neither the Viceroy nor members of his staff should receive any representations about the new Provincial boundaries—that was 'entirely a matter for the Boundary Commission' [No. 5]. At the meeting of the Partition Council on 10 July it was agreed that no directive should be given to the Boundary Commission and that it should be left to their discretion to interpret the terms of reference [No. 52, Case No. P.C. 26/4/47]. On 23 July the Viceroy caused it to be made known that it would be most improper for him to receive any representations affecting the Boundary Commission's work [No. 210]. 'It is for the Boundary Commission to interpret their terms of reference', he told Hydari on 24 July, 'I have been asked more than once to define them but have had to refuse' [No. 220]. He

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replied in similar terms to an enquiry from Radcliffe arising from a difference of opinion among members of the Bengal Boundary Commission as to the scope of their duty under the terms of reference in respect of Sylhet, saying that while he agreed with Radcliffe's view 'he must leave it to Sir Cyril Radcliffe to decide the matter for himself . . . ' [No. 318]. Nor was the Viceroy prepared to respond other than negatively to the Sikh rulers, from all of whom he had received representations, explaining that he was in no way able to influence the Commission's findings [Nos. 367 and 378]. This attitude was consistently adhered to. On 10 August he advised Nehru that it was most important that he (the Viceroy) should do nothing to prejudice the independence of the Boundary Commission and wrong therefore for him even to forward a memorandum as Nehru wished [Nos. 395, 406 and 449]. And on 11 August, in response to representations from the Maharaja of Bikaner, he said the Boundary award was a matter in which he could neither intervene nor seek to influence the Chairman—'I have absolutely nothing to do with the findings of the Boundary Commission' [No. 427]. An allusion to 'special factors' by the Parliamentary Under-Secretary of State as reported in the Press led to violent protests by Jinnah and Liaquat [No. 121]. The official report sent by the Secretary of State to the Viceroy on 16 July differed in respects deemed significant from those published in the newspapers [No. 144; see also Nos. 206 and 216].

A matter of moment to all likely to be affected was the date of completion of the Boundary Commission Report. It was first raised on the day of Radcliffe's arrival when the Viceroy at a Staff Meeting, at which Sir Cyril was present, emphasised the desirability of the work of the Boundary Commission being finished by 14 August [No. 12, Item 1]. On 11 July in his Personal Report [No. 65, para. 8] the Viceroy emphasised that 'Nehru, Jinnah and the Boundary Commissions have all agreed that the work should be completed by the 15 August and Sir Cyril Radcliffe has concurred'. On 16 July the Governor of the Punjab caused a special request to be made 'for as much advance intimation not only of the date of the award but also of its contents as can be given', in view of the precautions it would be necessary to take in the districts 'likely to be affected, particularly those in the Central Punjab [No. 131], and on 21 July he repeated this request during the Viceroy's visit to Lahore, saying that 'even a few hours warning would be better than none' [No. 190]. On 21 July Nehru conveyed to the Viceroy his reflections on the frontiers likely to emerge [No. 195] and Baldev Singh further commented on them [No. 199]. On 22 July the Punjab Partition Committee enquired whether there was any chance of announcing the award by 10 August to which Radcliffe replied that the time schedule was a 'fine one', that he did not think he could manage 10 August but thought he could promise 12 August [Nos. 200 and 209; see also No. 359, para. 5]. On 8 August Abell sent Abbott, Secretary to the Governor of the Punjab, a map showing 'roughly the Boundary which

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Sir Cyril Radcliffe proposes to demarcate in his award', which Abell said, was expected within 48 hours [No. 377]. On the same day the Governor reiterated his wish for the earliest possible information of it [No. 382, para. 5]. The Viceroy's Staff Meeting on 9 August was told that Radcliffe 'would be ready by that evening to announce the award of the Punjab Boundary Commission'. The Viceroy observed that it was for reconsideration whether it would in fact be desirable to publish it right away upon the grounds that the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result [No. 389]. Further requests for at least 24 hours notice of the award followed from the Governors of the Punjab and Bengal [Nos. 391 and 414]. On 12 August it was decided at a Staff Meeting to inform the two Governors that it appeared impossible to publish the awards as early as had been hoped [Nos. 436, 446 and 453]. On 14 August the Viceroy informed the Secretary of State of a 'crisis' that had arisen over the Boundary Commission Awards, underlining at the outset that he himself had scrupulously avoided all connection with the Boundary Commission, including interpretation of its terms of reference or transmission of representations. The crisis arose because of complaints received from Liaquat about a 'political decision' in the rumoured allocation of a large part of Gurdaspur to the East Punjab and vehement protest from Patel about the reported inclusion of the Chittagong Hill Tracts in East Pakistan. In view of the strong feelings aroused the Viceroy decided not to publish the awards himself but to have a meeting of representatives of the two governments to decide upon timing and method of publication. The meeting was fixed for the morning of 16 August [Nos. 428, 452, 454, 472 and 485]. The awards were finally ready by noon on 13 August, 'just too late', the Viceroy later observed, 'for me to see before leaving for Karachi' [No. 489, para. 11].

The reader will find a narrative account of most of these developments in the Viceroy's seventeenth and last Personal Report [No. 489, paras. 2–18]. The reports of the Boundary Commission are attached as appendices to the Viceroy's last weekly letter to the Secretary of State [No. 488] while the minutes of the Joint Defence Council Meeting of representatives of the governments of India and Pakistan over which the Viceroy presided on the morning of 16 August and at which the Boundary awards were disclosed, relating as they do, to an event outside the period but providing, as they also do, a natural climax to one part of the transfer process, are reprinted at No. 487.

Some considerable thought was given not least by the Viceroy, to the ceremonies appropriate to transfer. In connection with them the Viceroy enquired of the Secretary of State as early as 17 July whether it would be the case that he ceased to be Governor-General as from one minute past midnight on 14/15 August and should therefore be sworn in again before proceeding to the Constituent Assembly on the morning of the 15th. The answer was in the affir-

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mative and the form of the oaths of allegiance and of office duly supplied [Nos. 145, 204, 215, 251, 252, 273 and 274]. In his Personal Report No. 13, dated 18 July, the Viceroy gave an account of the progress made in planning the ceremonies to take place in Karachi on 14 and in Delhi on 15 August [No. 162, paras. 24–29]. On 26 July the Secretary of State had circulated to the India and Burma Committee an outline of the official ceremonies in mind for Delhi—it was for Mr Jinnah to arrange those for Karachi—[No. 243] and this was discussed by the Committee on 28 July with enquiries subsequently sent to the Viceroy about the form of the Royal message and about the flag to be flown by Provincial Governors in India [No. 261; see also No. 308]. There had been discussion also about the flags for the dominions, the Viceroy himself submitting a design for each, neither of which, however, was deemed appropriate [Nos. 162, paras. 25 and 26, 228, para. 28 and 279, para. 7]. The planning, however, was far surpassed by the events of two memorable days. Of them the Viceroy in his final Report [No. 489] has left a graphic account, (to which the texts of his address to the India and Pakistan Constituent Assemblies are appended) that needs no editorial gloss. The sequel to independence and partition lies outside the scope of British documentation and the editorial brief.

By far the greater part of the hitherto unpublished documents reproduced in this volume, are drawn from the official archives of the India Office in the custody of the India Office Records or from the Mountbatten Papers.

The documents reproduced from the India Office Records are from the following series of which the three most important are asterisked:

L/E/8	Economic Department Files (including Communications and Overseas Department)
L/F/7	Financial Department Collections
L/I/1	Information Department Files
*L/PO	Private Office Papers
L/P &J/5	Political Department Miscellaneous (including Governors' Reports)
L/P &J/7	Political Department Files
L/P &J/8	Political Department Collections
*L/P &J/10	Political Department Transfer of Power Papers
L/P &S/12	External Department Collections
L/P &S/13	Political 'Internal' Department Collections
L/S &G/7	Services and General Department Collections
L/WS/1	War Staff Files
R/1	Crown Representative's Records
*R/3/1	Papers of the Office of the Private Secretary to the Viceroy[1]

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Every document in these series is referred to in the text by the appropriate series notation followed by the number assigned to the particular file, collection, or volume in which the document is filed or bound. Thus the notation L/P &J/10/40 refers to the fortieth file in the series called Political Department Transfer of Power Papers. Each document in a file, collection, or volume is identified by a folio reference.

The Editors are indebted to the Trustees of the Broadlands Archives Settlement for the loan of their microfilms of those official and demi-official Indian Papers of the Earl Mountbatten of Burma which are in their custody and for permission to make copies of documents from those microfilms. Documents from this source are cited in the present Volume as the 'Mountbatten Papers'.

Some documents, not in any of these archives, have been obtained from elsewhere, notably the Cabinet Office and the Prime Minister's Office.[2] The Editors have also consulted those papers of Sir Walter Monckton which are now in the keeping of the Bodleian Library, Oxford, and a number of documents from this source have been included. They are reproduced by kind permission of Balliol College, Oxford. We are indebted to Dr Kanwar Sain for the text of Document 405.

The most important categories of telegraphic communications between the Secretary of State and the Viceroy were classified in the following ways. One category of telegrams from the Viceroy to the Secretary of State carried the letter 'S', or 'S.C.' if the Viceroy was at Simla or in Camp, ie on tour. During the Viceroy's visit to Karachi telegrams sent from there carried the suffix 'K' while those sent from Delhi by the Viceroy's staff continued to carry the suffix 'S'. Another category consisted of 'U' telegrams, which were reserved for the most secret and personal matters, the letter 'U' indicating the nature of the telegram, irrespective of whether it did, or did not, carry a 'Secret' or 'Private' prefix. 'U' telegrams could be enciphered or deciphered only in the Private Offices of the Secretary of State or the Viceroy. Some 'S' or 'S.C.' telegrams were marked 'Superintendent Series' which indicated to Superintendents of Telegraph branches that especial care should be taken to safeguard their security. Certain changes in the channels of communication between the Viceroy and the Secretary of State, made at the beginning of Lord Wavell's Viceroyalty, may be studied in the Appendix to Volume IV, and a small alteration in these arrangements—made with regard to the likely wishes of the members of an Interim Government—is recorded in the Appendix to Volume VIII.

It may also be helpful to mention that of the Papers and Minutes of the India and Burma Committee of the Cabinet those relating solely to Burma are excluded as treating of matters outside the scope of this Series.

[1] This series includes three files (R/3/1/176-8) from the Office of the Secretary to the Governor of the Punjab.

[2] A file (R/30/1/12) containing copies of these documents can be consulted in the India Office Records.

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In conclusion the Editors desire to acknowledge once again the friendly assistance and advice they have received from the officials at the India Office Library and Records, among whom they would like to mention the Director, Mr B.C. Bloomfield, and the Deputy Archivist, Mr Martin I. Moir.

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Abbreviations

A.D.C.	Aide-de-Camp
A.F.P.F.L.	Anti-Fascist People's Freedom League
A.F.R.	Armed Forces Reconstitution (Reorganisation)
A.F.R.C.	Armed Forces Reconstitution Committee
A.G.G.	Agent to the Governor-General
A.O.C.-in-C.	Air Officer Commanding-in-Chief
A.O.P.	Air Observation Post
A.P.I.	Associated Press of India
B.D.S.T.	British Double Summer Time
B.O.A.C.	British Overseas Airways Corporation
C.G.S.	Chief of the General Staff
C.I.D.	Criminal Investigation Department
C.I.G.S.	Chief of the Imperial General Staff
C.-in-C.	Commander-in-Chief
C.O.S.	Chiefs of Staff
C.P.	Central Provinces
D.B.S.T.	Double British Summer Time
D.G.C.A.	Director General of Civil Aviation
D.I.B.	Director of the Intelligence Bureau
D.I.G.	Deputy Inspector-General
D.P.S.V.	Deputy Private Secretary to the Viceroy
E.A. and C.R.	External Affairs and Commonwealth Relations
G.C.M.G.	Knight Grand Commander of St. Michael and St. George
G.H.Q.	General Headquarters
G.O.C.	General Officer Commanding
H.E.H.	His Exalted Highness
H.E.P.	His Excellency the President
H.E.P.M.	His Excellency the Prime Minister
H.M.	His Majesty or Honourable Member
H.M.D.	Honourable Member for Defence
H.M.G.	His Majesty's Government
H.Q.	Headquarters
H.R.H.	His Royal Highness

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I. and B.	Information and Broadcasting
I.C.S.	Indian Civil Service
I.G.	Inspector-General
I.M.F.	International Monetary Fund
I.M.S.	Indian Medical Service
I.N.A.	Indian National Army
I.S.T.	Indian Standard Time
K.C.	King's Counsel
M.C.S.	Member of the Council of State
M.L.A.	Member of the Legislative Assembly
M.S.V.	Military Secretary to the Viceroy
M.T.	Motorised or Military Transport
N.W.F.P.	North-West Frontier Province
N.W.R.	North-Western Railway
P.B.F.	Punjab Boundary Force
P.S.V.	Private Secretary to the Viceroy
R.A.F.	Royal Air Force
R.I.	Rex Imperator
R.I.A.F.	Royal Indian Air Force
R.I.E.M.E.	Royal Indian Electrical and Mechanical Engineers
R.I.N.	Royal Indian Navy
R.N.	Royal Navy
R.S.S.S.	Rashtriya Swayam Sewak Sangh
S.G.P.C.	Shiromani Gurdwara Prabandhak Committee
U.K.	United Kingdom
U.N.O.	United Nations Organisation
U.P.	United Provinces
U.S.A.	United States of America
U.S.S.R.	Union of Soviet Socialist Republics
V.C.O.	Viceroy's Commissioned Officer
V.C.P.	Viceroy's Conference Paper
V.P.R.	Viceroy's Personal Report

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Principal Holders of Office

UNITED KINGDOM

CABINET

Members of the India and Burma Committee are italicised.[1]

Prime Minister and First Lord of the Treasury	*Mr Clement Attlee*
Lord President of the Council and Leader of the House of Commons	Mr Herbert Morrison
Secretary of State for Foreign Affairs	Mr Ernest Bevin
Minister without Portfolio	Mr Arthur Greenwood
Chancellor of the Exchequer	Mr Hugh Dalton
President of the Board of Trade	*Sir Stafford Cripps*
Minister of Defence	*Mr A. V. Alexander*
Lord Chancellor	Viscount Jowitt
Secretary of State for the Home Department	Mr J. Chuter Ede
Secretary of State for Commonwealth Relations and Leader of the House of Lords	*Viscount Addison*
Secretary of State for Scotland	Mr J. Westwood
Secretary of State for the Colonies	Mr A. Creech Jones
Secretary of State for India and for Burma	*Earl of Listowel*
Minister of Labour and National Service	Mr G. A. Isaacs
Minister of Fuel and Power	Mr E. Shinwell
Minister of Health	Mr Aneurin Bevan
Minister of Agriculture and Fisheries	Mr T. Williams
Minister of Education	Mr George Tomlinson
Lord Privy Seal	Lord Inman

OTHER MINISTERS MENTIONED IN THIS VOLUME

Minister of Food	Mr John Strachey
Minister of Supply	Mr John Wilmot

[1] In addition the following were also members of the Committee: Mr Hugh Dalton (for financial questions only), Mr C. P. Mayhew (Parliamentary Under-Secretary of State for Foreign Affairs), Mr A. G. Bottomley (Parliamentary Under-Secretary of State for Commonwealth Relations), Mr Arthur Henderson (Parliamentary Under-Secretary of State for India and for Burma), and Lord Chorley. P.R.O. CAB. 21/1739.

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Attorney-General	Sir Hartley Shawcross
Parliamentary Secretary to the Treasury and Chief Whip	Mr W. Whiteley

INDIA OFFICE

Secretary of State	Earl of Listowel
Permanent Under-Secretary	Sir Archibald Carter
Parliamentary Under-Secretary	Mr Arthur Henderson
Deputy Under-Secretary	Sir William Croft
Assistant Under-Secretaries	Sir Paul Patrick
	Mr G. H. Baxter
Private Secretary to the Secretary of State	Mr R. M. J. Harris

INDIA

Viceroy, Governor-General and Crown Representative	Rear-Admiral Viscount Mountbatten of Burma
Chief of the Viceroy's Staff	Lord Ismay
Principal Secretary to the Viceroy	Sir Eric Mieville
Private Secretary to the Viceroy	Sir George Abell
Reforms Commissioner	Mr V. P. Menon

INTERIM GOVERNMENT (up until 19 JULY 1947)

External Affairs and Commonwealth Relations	Pandit Jawaharlal Nehru
Finance	Mr Liaquat Ali Khan
Home, Information and Broadcasting and States	Sardar Vallabhbhai Patel
Commerce	Mr I. I. Chundrigar
Food and Agriculture	Dr Rajendra Prasad
Communications	Mr Abdur Rab Nishtar
Education and Arts	Maulana Abul Kalam Azad
Industries and Supplies	Mr C. Rajagopalachari
Transport	Dr John Matthai
Health	Mr Ghazanfar Ali Khan
Defence	Sardar Baldev Singh
Labour	Mr Jagjivan Ram
Works, Mines and Power	Mr C. H. Bhabha
Law	Mr Jogendra Nath Mandal

For lists of members of the provisional governments of India and Pakistan after 19 July, see Documents Nos. 172, 173 and 332.

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PARTITION COUNCIL

Rear-Admiral Viscount Mountbatten of Burma
Mr Mohammad Ali Jinnah
Mr Liaquat Ali Khan
Sardar Vallabhbhai Patel
Dr Rajendra Prasad

PROVISIONAL JOINT DEFENCE COUNCIL

(as constituted on 26 JULY 1947)[2]

Rear-Admiral Viscount Mountbatten of Burma
Field Marshal Sir C. Auchinleck
Mr Mahomed Ali Jinnah
Mr Liaquat Ali Khan
Dr Rajendra Prasad
Sardar Baldev Singh

GOVERNORS OF PROVINCES

Madras	Lieutenant-General Sir Archibald Nye
Bombay	Sir John Colville
Bengal	Sir Frederick Burrows
United Provinces	Sir Francis Wylie I.C.S.
Punjab	Sir Evan Jenkins I.C.S.
Central Provinces and Berar	Sir Frederick Bourne I.C.S.
Assam	Sir M. S. A. Hydari I.C.S.
Bihar	Sir Hugh Dow I.C.S.
North-West Frontier Province	Lieutenant-General Sir Rob Lockhart (acting from 26 June 1947)
	Sir George Cunningham (from 13 August 1947)
Orissa	Sir Chandulal Trivedi I.C.S.
Sind	Sir Francis Mudie I.C.S.

PRIME MINISTERS (PREMIERS) OF PROVINCES

Madras	Mr O. P. Ramaswamy Reddiar
Bombay	Mr B. G. Kher
Bengal	Mr H. S. Suhrawardy
United Provinces	Pandit G. B. Pant
Central Provinces and Berar	Pandit R. S. Shukla
Assam	Mr Gopinath Bardoli

[2] The Joint Defence Council as officially constituted by Order on 11 August consisted of the above members with the exceptions of Mr Jinnah and Dr Prasad.

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Bihar	Mr Sri Krishna Sinha
North-West Frontier Province	Dr Khan Sahib
Orissa	Mr Harekrishna Mahtab
Sind	Sir Ghulam Hussain Hidayatullah

The Punjab was administered by the Governor under Section 93 of the Government of India Act 1935.

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Chronological Table of Principal Events

	1947
July	
8	Sir Cyril Radcliffe arrives in Delhi
8	Sikhs mount protest day of prayer against the threat to split their community under partition plan
9	Mountbatten advises Attlee of his decision to accept the Governor-Generalship of India
10	Radcliffe leaves Delhi for visits to Calcutta and Lahore
11	Mountbatten meets Hyderabad delegation
14	Result of Sylhet referendum announced in favour of East Bengal
16	Last meeting of the Interim Government
16	Special request from Governor of the Punjab for as much advance intimation of date and content of Boundary Award as possible
17	Sir Patrick Spens accepts appointment as Chairman of the Arbitral Tribunal
17	Sir C. P. Ramaswami Aiyer, Dewan of Travancore, declares Travancore will be an independent country from 15 August
18	Indian Independence Bill receives Royal Assent
19	The Executive Council (Transitional Provisions) Order, re-constituting the Interim Government into two separate groups representing the two successor governments of India and Pakistan, published
20	Result of referendum in North-West Frontier Province announced in favour of Pakistan
20	Mountbatten visits Lahore
22	Partition Council on behalf of successor dominion governments approves statement pledging them to accept the awards of the Boundary Commission 'whatever these may be'
22	Partition Council approves the setting up of a Special Military Command under Major-General Rees from 1 August to safe-guard the peace in the Punjab
25	Mountbatten as Viceroy and Crown Representative addresses the Princes
30	Maharaja of Travancore accedes to the dominion of India
30–31	Mountbatten visits Calcutta
August	
1–5	Gandhi visits Kashmir
8	Map showing 'roughly' the boundary Radcliffe proposes to demarcate in his award sent to the Punjab Governor's Secretary

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8	Nizam of Hyderabad offers to negotiate treaty with dominion of India
9	Viceroy's Staff Meeting informed that Radcliffe would be ready to announce the Punjab award 'that evening'; Viceroy questions desirability of publishing it 'straight away'
9	Governor of the Punjab, after consultation with Governors-designate of East and West Punjab, advises against arrest of Sikh leaders implicated in terrorist activities
10	Derailment of Pakistan special train at Bhatinda in East Punjab
10	Governor of Bengal says it is essential to have twenty four hours notice of Boundary Award
11	Joint Defence Council Order published
11	Jinnah elected President of the Constituent Assembly of Pakistan
12	Arbitral Tribunal Order published
13	Radcliffe submits Boundary Commission Awards to Viceroy
13	Mountbatten writes to Nehru and Jinnah suggesting that findings of Boundary Commission should be discussed on 16 August between representatives of India and Pakistan before awards are published
13	Mountbatten leaves for Karachi
14	Pakistan Independence Celebrations in Karachi; Viceroy addresses Pakistan Constituent Assembly
14–15	Midnight; Power transferred
15	Jinnah sworn in as Governor-General of Pakistan
15	Mountbatten sworn in as Governor-General of India; Independence Day Celebrations in Delhi

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Summary of Documents

Chapter		*Page*
1	*Preparations for Transfer and Partition.* The Governor-Generalship, the supersession of the Interim Government and the passing of the Indian Independence Act: 8 to 19 July 1947	xlii
2	*Preparations for Transfer and Partition.* Problems of law and order; Formation of the Punjab Boundary Force: 20 July to 8 August 1947	lxi
3	*The Report of the Boundary Commission and the Transfer of Power:* 9 to 15 August 1947	lxxxvi
4	*The States.* Negotiations on Accession: 8 July to 15 August 1947	xciv

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CHAPTER I

Preparations for Transfer and Partition. The Governor-Generalship, the supersession of the Interim Government and the passing of the Indian Independence Act: 8 to 19 July 1947

	Name and Number	*Date*	*Main subject or subjects*	*Page*
		1947 *July*		
3	Jenkins to Mountbatten Telephone message	8	Discusses arrangements for supply of information to Boundary Commission, composition of its staff, his own functions in relation to it, and financial arrangements	2
5	C. P. Scott to I. D. Scott Minute	8	Neither Viceroy, nor members of his staff, can receive deputations in connection with the work of the Boundary Commission	6
6	Record of Interview between Mountbatten and Nehru (extract)	8	Nehru agrees that Mahbub Ali should be shown a copy of Mr Justice Clarke's findings	6
7	Mountbatten to Ismay Tel. 1830–S via India Office	8	Communicates text of letter from Jinnah stating that if future Govt of India will permit Mountbatten to act as independent and impartial Chairman of Joint Defence Council, he (Jinnah) will be glad to agree on behalf of Dominion of Pakistan	7
8	Mountbatten to Ismay Tel. 1832–S via India Office	8	Explains position in relation to reconstitution of central govt; considers that it would be an embarrassment if Indian Independence Bill went through much earlier than 21 or 23 July	8
10	Cabinet C. M. (47) 60th Conclusions Minute 1	8	Attlee outlines position regarding appointment of Governors-General; Cabinet approves terms of statement to be made	9
12	Minutes of Viceroy's Fifty Fourth Staff Meeting Items 1 and 3	8	(1) Boundary Commissions—Mountbatten emphasises desirability of their work being finished by 14 August; (3) Parliamentary Question and Answer on the subject of the reconstitution of the Central Govt	12
13	Mountbatten to Ismay Tel. 1836–S via India Office	8	Nehru will not object if it is mentioned in debate that Colville and Nye, together with a British C.-in-C. and a number of senior British commanders, are being asked to stay on	14

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	Name and Number	Date	Main subject or subjects	Page
		July		
14	Ismay to Mountbatten Tel. 8737 via India Office	8	Refers to Vol. XI, No. 564; Cabinet Committee in favour of Mountbatten becoming Governor-General of India; timing of statement to this effect	14
15	Listowel to Attlee Minute 116/47	8	Withdrawal of British troops from India	16
16	Abell to Turnbull Tel. 192-C	8	Composition of Bengal Partition Council and question of Arbitration Tribunal	16
17	Report from Reuter Indian Service	8	Sikhs mount protest against proposed partition of Punjab which they fear will split their community	17
18	Scott to Turnbull Tel. 1834-S	8	Refers to No. 16, note 1; Partition Committee not Council has been established in Lahore; no proposal yet to set up Provincial Arbitration Tribunal	18
19	Mountbatten to Jenkins Tel. 1839-S	8	Refers to No. 3; staff for Boundary Commission and functions of Governor in relation to Commission	19
20	Williams to Clauson Tel. 1841-G	8	Content of treaty providing for matters arising out of transfer of power	20
21	Mountbatten to Liaquat Ali Khan Letter 1446/36	8	Refers to Vol. XI, No. 549; Mountbatten had to consult with Jinnah before answering; League members of Interim Govt may take Viceroy's letter as a dispensation not to tender their resignations until they can do so as a body following their return from referenda in N.W.F.P. and Sylhet	20
22	Mountbatten to Ismay Tel. 1845-S via India Office	8	Jinnah will not object if it is mentioned in debate that some of the provincial governors of Pakistan, together with some of its senior military personnel, will be British	21
24	Mountbatten to Ismay Tel. 1847-S via India Office	8	Refers to No. 8; Jinnah and League members of Interim Govt feel they are being humiliated over issue of reconstitution; Liaquat believes Congress wants League members to resign in order to 'pull a fast one' over Pakistan by removing assets; Jinnah will not respond to request for resignation until all League members have returned from referenda in N.W.F.P. and Sylhet	22
25	Mountbatten to Ismay Tel. 1848-S via India Office	8	Suggested Parliamentary Question and Answer on the subject of the reconstitution of the Interim Govt for use should the need arise	23

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	Name and Number	Date	Main subject or subjects	Page
		July		
26	Ismay to Mountbatten Tel. 80 via India Office	8	Reports on meeting with Opposition; encloses message from Churchill in which he outlines reasons why Mountbatten should accept Governor-Generalship of Indian Dominion	24
27	Attlee to Mountbatten Tel. 81 via India Office	8	Urges Mountbatten to accept Governor-Generalship of India	25
28	Attlee to Mountbatten Tel. 82 via India Office	8	Transmits extract from speech he will make to Commons explaining situation with regard to appointment of Governors-General	26
29	Mountbatten to Listowel Tel. 1846-S	9	Jinnah's nominations for Governors of Pakistan provinces	28
31	Ismay to Mountbatten Tel. 84 via India Office	9	King wishes Mountbatten to accept Governor-Generalship of India; Chiefs of Staff being somewhat sticky about withdrawal of British troops and future defence arrangements in India; Slim disinclined to accept job as C.-in-C. of Army of Indian Union; Cunningham having qualms about his rejection of position as Governor of N.W.F.P.	30
32	Minutes by Scott and Brockman	9	Reconstitution of central Govt; in order to avoid a political crisis, it is suggested that two completely separate Govts each having freedom to decide only those matters which will affect its own territory, should be formed as soon as Independence Bill is passed; future Govt of India should have control over existing departments and new Govt of Pakistan would have its own embryo departments under as many ministers as it liked to appoint; Scott's minute briefly outlines advantages of scheme	30
34	Mountbatten to Jinnah Letter 746/16	9	Seeks Jinnah's good offices in persuading Bihar Muslim League not to press for an inquiry into Bihar riots of last November	33
35	Mountbatten to Cripps Letter	9	Although he has accepted the position, is uneasy about becoming Governor-General of India after 15 August; Viceroy's private information is that Jinnah's attitude has horrified his followers and Viceroy believes that it is the result of his chronic megalomania; Nehru shares this view but Vallabhbhai Patel ascribes more sinister motives to Jinnah	33

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	Name and Number	Date	Main subject or subjects	Page
		July		
36	Mountbatten to Jenkins Letter	9	Partition of the Armed Forces in the Punjab	34
37	Minutes of Viceroy's Fifty Fifth Staff Meeting Item 1	9	Viceroy wishes it to be placed on record that he is still uneasy about accepting Governor-Generalship; Nehru and Patel have seen draft of Prime Minister's Commons statement and have approved it	35
38	Ismay to Churchill Letter	9	Refers to Vol. XI, No. 536 and Enclosure to No. 548 and expresses view that Jinnah's requests are quite impracticable	38
40	Christie to Abell Letter	9	Refers to points raised by Nehru in Vol. XI, No. 535; India Committee are of opinion that no further amendments can be made to Bill	42
41	Chiefs of Staff Committee C.O.S. (47)86th Meeting Minute 2, Confidential Annex	9	Withdrawal of British troops from India; Defence Chiefs express concern that negotiations on Britain's defence requirements will not begin until after 15 August; Ismay explains delicacy of situation but agrees to convey their views to Prime Minister and Viceroy; Enclosure: note by First Sea Lord outlining reasons why he considers Viceroy's objections to negotiations beginning before 15 August 'have no weight'	43
42	Mountbatten to Attlee Tel. 1851-S via India Office	9	Refers to Nos. 27 and 28; agrees, with some misgivings, to his name being submitted to King for appointment as Governor-General of Indian Dominion; suggests amendments to text of Prime Minister's statement	49
43	Record of Interview between Mountbatten and Gandhi	9	Refers to Vol. XI, No. 382; Mountbatten outlines steps being taken to ensure peaceful transfer of power; Gandhi urges that States should not be encouraged to declare independence; Mountbatten indicates the negotiations in view to ensure the States joining one Dominion or the other	50
44	Mountbatten to Listowel Tel. 1867-S	9	Confirms that withdrawal of British troops will not affect ability of Indian Army to protect the North West Frontier	52
45	Lockhart to Mountbatten Letter GH-116	9	Reviews the post-referendum problem in the N.W.F.P.; seeks Viceroy's permission to govern under Section 93 if it proves impossible to form a coalition ministry	52

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	Name and Number	Date	Main subject or subjects	Page
		July		
46	Jenkins to Mountbatten Letter 693	9	Sikhs are sore about partition; suggests that British troops should be withdrawn from Punjab before end of July in case trouble starts when Boundary Commission reports	58
47	Mountbatten to Listowel Tel. 1872-S	9	Refers to Vol. XI, Nos. 79 and 256; has called for resignations of all provincial governors	59
48	Attlee to Mountbatten Tel. 85 via India Office	9	Refers to No. 42; expresses delight that Mountbatten is willing to become Governor-General of Indian Dominion	60
49	Ismay to Mountbatten Tel. 8840 via India Office	9	Refers to his meeting with Chiefs of Staff (No. 41) and reports that Prime Minister has decided that it would be untimely to discuss Britain's long-term strategical requirements with Indian leaders at present	60
50	Listowel to Mountbatten Tel. 8841	9	Refers to Vol. XI, No. 511; outlines views of Cabinet Committee on withdrawal of British troops from India and communicates announcement to be made by Prime Minister in Commons	61
51	Mountbatten to Ismay Tel. 1874-S via India Office	10	Refers to Nos. 24 and 25; points out that he will be in a difficult position if League members do not resign and he is forced to dismiss them and give all portfolios to Congress members of his own future govt; is therefore investigating mechanism whereby two future govts can hold separate portfolios for their future areas	62
52	Partition Council Meeting Case Nos. P.C. 26/4/47, 28/4/47, 30/4/47 and 31/4/47	10	(1) Addition of new sub-clause to clauses 3 and 4 of Bill to make it clear that award of a Boundary Commission means 'decision of Chairman'; (2) Question of King's title; (3) Boundary Commission to use their discretion in deciding whether to take account of natural features for purpose of fixing boundaries; (4) Mountbatten can receive a Sikh deputation only if it is made clear that no questions regarding boundaries can be raised; Mountbatten reaffirms his hope that Sikh leaders will be able to use their influence to persuade Sikh community to accept Boundary Commission award	63

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
53	Minutes of Viceroy's Fifty Sixth Staff Meeting Item 4	10	Mountbatten reports that Sardar Patel, who has already written asking that Muslim members of interim govt 'be got rid of as soon as possible', has reacted favourably to idea that two separate govts should be established	66
54	Unsigned papers on the reconstitution of the Interim Government	10	(1) Draft Press Communiqué; (2) Note on Reconstruction of the Government	66
55	Mountbatten to Krishna Menon Letter	10	Expresses thanks for Menon's help and advice	70
56	Jenkins to Mountbatten Letter 694	10	Expresses his view that Boundary problem in Punjab cannot be settled in rational way and that a settlement negotiated by parties involved is only way to give two new provinces a peaceful start; encloses record of interview with Giani Kartar Singh during which latter remarked that Sikhs would be obliged to fight if their claims were not met	71
57	Chief of the General Staff to Regional Commands Directive 6385/150/SD1	10	Reconstitution of the Armed Forces	75
59	G. of I. External Affairs and Commonwealth Relations Dept to S. of S. Tel. 5350	10	Refers to Vol. XI, No. 344; future relations with Tibet	78
60	Ismay to Mountbatten Tel. 8919 via India Office	10	Suggests that Short, who has great influence with Sikhs and who has been invited to go to India by Sikh leaders, should be attached to his (Ismay's) staff as a temporary measure for two months	78
62	Krishna Menon to Mountbatten Letter	11	Expresses thanks for sentiments expressed in No. 55; comments on other matters including States	89
63	Mountbatten to Nehru Letter	11	Reconstitution of Interim Govt; Viceroy proposes to reconstitute govt along lines suggested in No. 54 on morning of 18 July	89
64	Mountbatten to Nehru Letter 38/17	11	Proposed statement asking for British personnel to stay on for interim period during reconstitution of Armed Forces	91
65	Viceroy's Personal Report No. 12	11	Communal violence in Calcutta; work of reconstituted Cabinet and progress made by partition council in Calcutta; Nehru, Jinnah and Boundary Commission have agreed that latter's	92

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	Name and Number	Date	Main subject or subjects	Page
65 (*cont.*)		*July*	work should be completed by 15 August and all are pleased that Bill will make findings of Commission an Award; Mountbatten has doubts about Baldev Singh's denial of press reports that he urged Sikhs to resist decision of Boundary Commission if it went against them; Maharaja of Patiala has agreed to use his influence to restrain Sikhs; appeal to British Service personnel to stay on with the defence forces of two new Dominions; future of Federal Court; composition of Arbitral Tribunal; reconstitution of armed forces; acerbity between Congress and League at Cabinet meeting over final destination of 22 million ounces of silver; B.O.A.C. application to inaugurate their new line to Karachi, Bombay and Ceylon; plan for reconstitution of Interim Govt; acceptance of Governor-Generalship of India; reception for representatives of Indian Press; official dinner parties on national occasions; has persuaded Nehru and Patel to give him 'a fairly free hand' in negotiations with States; meeting with Hyderabad delegation; admits that he has not been able to 'grip this States problem before'	
67	Record of Interview between Jenkins and Jathedar Mohan Singh and Sardar Harnam Singh	11	Jathedar Mohan Singh (1) claims that Jenkins is responsible for seeing that Sikhs get justice; (2) sees a 'very substantial exchange of population' as the only solution to the Sikh claim; (3) sees little point in kind of disturbances Sikhs have in view but regards them as more or less inevitable	103
68	Hydari to Mountbatten Letter (extract)	11	Discussions with representatives of ten Naga tribes at Kohima; has visited Sylhet to obtain first-hand information of referendum; allegations of breakdown of law and order are false; officers presiding have done good job of work	104
69	Nehru to Mountbatten Letter	11	Replies to No. 64; welcomes services of British officers and specialists in interim period but takes exception to sentence in proposed statement about 'large numbers' of British personnel staying on; expresses desire to see	105

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		July		
69 (*cont.*)			nationalisation of armed forces and promotions of Indian officers pushed ahead as rapidly as possible; suggests that time has come for all persons who have opted for Pakistan to transfer their services immediately	
70	H.M. Minister Kabul to Secretary of State Tel. 61	11	Reports discussion with Afghan Foreign Minister concerning Afghan claims to N.W.F.P.	107
71	Turnbull to Carter Minute	11	Omission of Arbitral Tribunal from Bill; expresses reservations about statement he has prepared for use in response to Butler's question	108
72	Listowel to Mountbatten Tel. 8975	11	Transmits amended version of statement referred to in No. 71	108
73	Listowel to Mountbatten Tel. 8974	11	Asks Viceroy to consider making an order to establish an Arbitral Tribunal before 15 August	110
74	Nehru to Attlee Letter	11	Appointment of Krishna Menon as High Commissioner for India in London	110
76	Minutes of Viceroy's Fifty Seventh Staff Meeting Items 1 and 5	12	(1) Reconstitution of the Interim Govt; (5) Post-Referendum problem in N.W.F.P.	112
77	G. of I., Press Information Bureau to India Office Tel. B496	12	Transmits text of Communiqué announcing decisions reached by Partition Council regarding reconstitution of Indian Armed Forces	113
79	Baldev Singh to Mountbatten Letter	12	Refers to No. 64, note 1; has no objection to issue of proposed statement regarding retention of British personnel of Armed Forces; in order to meet Nehru's views (No. 69) suggests that new terms of service should be released simultaneously with statement	115
80	Mountbatten to Liaquat Ali Khan, Patel, Prasad, Baldev Singh and Jinnah Letter	12	Forwards copy of statement (see Enclosure) to be issued to all British officers and men serving in India	116
81	Note by Abell	12	The Punjab: (1) Possibility of a Ministry; (2) Partition work; (3) References to Arbitration; (4) Boundary Commission; (5) Recommendations: no attempt should be made for present to form a Ministry; Mountbatten or member of his staff should ask Jinnah whether League would not be prepared to negotiate out of court with Sikhs; Enclosure: Governor's appreciation	117
82	Record of Interview between Mountbatten and Jinnah	12	Reconstitution of Interim Govt; Jinnah not particularly grateful when Mountbatten gives him copy of	121

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		July		
82 (*cont*).			Enclosure to No. 63; Jinnah says Muslims throughout India would rise to defend oldest Muslim dynasty if Congress exerted pressure on Hyderabad; Jinnah agrees to Mountbatten calling a meeting with Khan of Kalat to suggest that he should join Pakistan; governorships of Pakistan provinces; candidates for future Flag Officer of Royal Pakistan Navy and question of Pakistan's Dominion flag; Jinnah explains why he cannot accept honour of G.C.M.G.; Mountbatten refers to P.S.V.'s brief (No. 81) and urges Jinnah to try for out of court settlement with Sikhs; discussion of ministry in N.W.F.P. following referendum; Mountbatten says he is dead against Section 93; question of King's signature	
83	Bourne to Mountbatten Letter D.O. N.16/G.C.P. (extract)	12	Expresses view that apprehensions of Muslims of Central Provinces and Berar resorting to direct action are baseless and that if anything danger is other way round; explains that ministry still regard every Muslim as a 'Pakistani' with result that all senior Muslim officers in civil service and police are being transferred from Berar	125
84	Burrows to Mountbatten Tel. 202–C	12	Calcutta Disturbances; Enquiry Commission will never complete its work; both sides of Bengal Cabinet have agreed to its dissolution	126
86	Mountbatten to Listowel Tel. 1926–S	12	Jinnah has told draftsmen preparing adaptation orders that he would prefer order for Pakistan to be based on Ninth Schedule rather than on Part II of 1935 Act; Mountbatten feels this will give Jinnah position of dictator; seeks advice as to what he should do in event of Jinnah insisting on adaptation order based on Ninth Schedule	127
88	Record of Interview between Nehru and Sir A. Smith	13	Refers to No. 69; nationalisation of the Armed Forces; plan for control of any 'disturbed area' after 15 August; Armed Forces Reorganisation Committee	129
89	Jenkins to Mountbatten Letter 695	13	Points at issue between members of the Punjab Partition Committee	131

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		July		
90	Jenkins to Mountbatten Letter 696	13	Elaborates on points raised in No. 89 and suggests appointment of a 'Boundary Administration' to see that final boundary in Punjab is demarcated and that award is enforced	134
91	Jayakar to Attlee Letter	13	Congratulates Attlee on role he has played in giving India independence	137
92	Mountbatten to Listowel Tel. 1932-S	13	Transmits Sylhet referendum result	138
94	Nehru to Hydari Tel. 5483	13	Has received numerous complaints about referendum in Sylhet; asks Hydari to investigate	139
95	Nehru to Mountbatten Letter	13	Outlines alleged malpractices during Sylhet referendum; asks for a brief enquiry	140
96	Mountbatten to Listowel Tel. 1937-S	13	Refers to No. 73; hopes to have agreement on points to be referred to Arbitral Tribunal by first week of August	141
97	Mountbatten to Listowel Tel. 1938-S	13	Refers to No. 72; agrees to draft reply; in response to any supplementaries feels it would not be unfair to point out that as most of assets are in Indian Dominion, Congress agreement to common Govenor-General was a generous gesture to Pakistan; Congress are sore at being misled by Jinnah over a matter in which they were seriously trying to help him	142
98	Mountbatten to Nehru Letter	13	Refers to No. 95; says he has also received complaints of interference from Jinnah; rejects idea of enquiry	142
99	Minutes of Viceroy's Fifty Eighth Staff Meeting Item 1	14	Reconstitution of Interim Govt; Mountbatten explains that one of main reasons why this was necessary was to enable provisional govts to be able to advise him on Orders-in-Council to be issued dealing with each future Dominion	143
100	Mountbatten to Bhopal Letter	14	Refers to Vol. XI, No. 561; explains why he has accepted Governor-Generalship of India; urges Bhopal to accept three subject accession and not to say 'No' without a further talk	144
101	Mountbatten to Lockhart Letter 1446/3	14	Refers to No. 45; post-referendum problem in N.W.F.P.; whole context has been changed by fact that Jinnah will be Governor-General of Pakistan and because Pakistan Cabinet will advise on N.W.F.P. once Central Govt has been reconstituted; has	145

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		July		
101 (*cont.*)			discussed matter with Jinnah (No. 82) and impressed on him aversion to going into Section 93; praises work in connection with referendum	
102	Auchinleck to Mountbatten Letter	un-dated	Recommends that, in event of clashes in neighbourhood of boundaries after 15 August, these districts should be designated 'disturbed areas', and that Supreme Commander, acting upon request of Joint Defence Council, should appoint a British Commander, with adequate troops allotted by the Commanders-in-Chief of the two Dominions, to take control of the area[s]	146
103	Jenkins to Mountbatten Letter 697 (extract)	14	Reports that progress made by Partition Committee has not been very good; boundary problem 'is a very live issue—it may even be a *casus belli*'; non-Muslims are nervous about residing or serving in West Punjab and Muslims are far from happy about their position in East Punjab; anticipates that transfer of power will be accompanied by disorders but finds it impossible to say whether they will break out before or after 15 August or how serious they will be	147
107	Hydari to Nehru Tel. 959/C	14	Refers to No. 94; transmits breakdown of referendum result in Sylhet; figures demonstrate that there could not have been intimidation on a large scale	155
108	Minutes of Viceroy's Fifty Ninth Staff Meeting Items 1 and 3	14	(1) Reconstitution of the Interim Govt; (3) The Punjab	157
109	Mountbatten to Listowel Tel. 1951-S	14	Confirms that Baldev Singh was present at meetings at which personnel of Boundary Commission and amendments to clauses 3 and 4 of Bill were agreed; at a meeting to discuss terms of reference of Boundary Commission Baldev Singh signified that though not content he accepted them	160
110	Mountbatten to Listowel Tel. 1958-S	14	Reconstitution of Interim Govt; Spence and Menon have produced an 'ingenious means' of avoiding necessity for League members to resign; Mountbatten intends to go ahead with it irrespective of League reactions; Draft Order has been drawn up; when	161

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110 (*cont.*)			it is issued, Mountbatten intends to put out a Press Note explaining its necessity	
111	Note by Mountbatten	undated	Submits for consideration by Partition Council issues raised by Jenkins in Appendix 'A' to No. 89; explains that Radcliffe has agreed to see that report of Boundary Commission is presented before 15 August but that there will be no time to implement decision before 15 August if there are major changes from notional boundary	162
112	Record of Interview between Mountbatten and Jinnah and Liaquat Ali Khan	15	(1) Reconstitution of Interim Govt; (2) Pakistan flag; (3) C.-in-C. of Pakistan; (4) retention of Ismay on Mountbatten's staff; (5) Pakistan nomination for Arbitral Tribunal; (6) successor body to Partition Council; (7) possibility of accommodation for Pakistan High Commission in Red Fort	163
113	Record of Interview between Mountbatten and Auchinleck (extract)	15	(1) C.-in-C. reports result of interview between C.G.S. and Nehru (No. 88); (2) Baldev Singh's accusations against British officers; (3) future residence for British Embassy or High Commissioner; (4) position of British officers in command of Dominion troops in event of frontier clashes or offensive against a State like Travancore; (5) C.-in-C. expresses concern that he has not yet had official ruling about Gurkhas; (6) arrangements for departure from India of first contingent of British troops; (7) question of 'Charter of Liberty'	165
114	Nehru to Mountbatten Letter F.7(7)-P.S./47	15	Refers to No. 107 and accepts that Sylhet referendum result could not have been materially affected by irregularities; points out that India Bill is not as clear as 3 June Statement on Sylhet; argues that process of transfer must be a single one and suggests that easiest way to arrange this is to get report of Boundary Commission before 15 August; problem arises in similar form in regard to notional division of Bengal and Punjab; in view of fact that Commission is likely to approach question of Sylhet more from point of view of Bengal than Assam, suggests means by which Assamese interests can be represented	167

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116	G. of I. Cabinet Secretariat No. 1456/C.N./47	15	Circulates following papers on reconstitution of Central Govt; (1) Note by Viceroy; (2) Draft Communiqué on the reconstitution of the Govt; (3) Draft Order	170
117	Listowel to Attlee Minute 125/47	15	Refers to No. 86; Jinnah's proposal stems from Viceroy's insistence that 1935 Act should remain in force in each of two Dominions; that Constituent Assembly of Pakistan can rescind orders of Governor-General and make a new constitution is most suitable response to charge that H.M.G. is helping to set up a dictatorship; only other alternative is to amend Bill at very short notice in Lords	173
119	Listowel to Mountbatten Tel. 9090	15	Transmits message from Attlee in which latter says Nehru may be assured that H.M.G. is approaching matter of India's balance of payments deficit sympathetically	177
120	Listowel to Mountbatten Tel. 9107	15	Decision to appoint separate High Commissioner to Pakistan; Sir L. Grafftey-Smith selected; Sir T. Shone will remain as High Commissioner in India; Indian leaders should be approached accordingly	178
121	Mountbatten to Listowel Tel. 1979–S	15	Jinnah and Liaquat have protested violently against a statement made by Parliamentary Under-Secretary of State in which, when explaining terms of reference of Boundary Commission, he is alleged to have said that 'special factors' were being allowed to take account of location of religious shrines of Sikhs in Punjab; has told Jinnah that he will send a copy of this protest to Radcliffe	179
122	Listowel to Mountbatten Tel. 9108	15	Refers to No. 86; explains that Jinnah is entitled to proceed under 9th Schedule and that it is useless to resist his wishes now; considers that Governor-General's power to override his Council should be excluded in Adaptation Order on ground that this was part of machinery of British control; authorises Mountbatten to prepare Order in form desired by Jinnah subject to exclusion of overriding power	179
124	Mountbatten to Listowel Tel. 1983–S	15	Refers to No. 50; Auchinleck and Mountbatten are in agreement that,	181

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124 (*cont*).			in order to allay possible suspicion, statement should be issued to effect that British forces will not be available to intervene in internal disorder after 15 August; suggests that, in view of shortage of air-crews, number of squadrons should be reduced from three to two and that one of them should be located in India	
125	Mountbatten to Listowel Tel. 1980–S	16	Jinnah turns down G.C.M.G. in view of League Working Committee's opposition; Mountbatten requests permission to offer him a Privy Councillorship	182
126	S. of S. to G. of I., External Affairs and Commonwealth Relations Dept Tel. 9106	16	Refers to No. 59; future relations with Tibet and Bhutan	183
127	Meeting of Indian Cabinet Case No. 180/35/47	16	Reconstitution of Central Government	184
128	Abell to Harris Tel. 1985–S	16	Refers to No. 110, note 5; Mountbatten understands that Congress intention is not to introduce any new members of Cabinet but to double up portfolios; matter is being discussed today in Cabinet	186
130	Lockhart to Mountbatten Letter D.O. No. GH–127	16	Reports talk with Abdul Ghaffar Khan and Dr Khan Sahib on Congress proposals for dealing with post-referendum problem in N.W.F.P.; suggests meeting between Abdul Ghaffar Khan and Jinnah	187
131	Abbott to Abell Letter D.O. No. G.S. 438	16	In view of fact that precautions will be necessary, especially in districts likely to be particularly affected, Governor of Punjab requests as much advance intimation as can be given not only of the date of the Boundary Commission Award but also of its contents	191
132	H.M. Minister Kabul to G. of I., External Affairs and Commonwealth Relations Dept Tel. 64	16	Reports talk with Afghan Prime Minister about Afghan interest in N.W.F.P.; has urged Prime Minister to see Jinnah in Delhi	191
133	Ismay to Carter Minute	16	Desirability of an early announcement to effect that Nye and Colville have been asked by Congress to continue in office	192
134	Notes by Scott and Abell	16	Comments on C.-in-C.'s plan to deal with possible clashes or disturbances in neighbourhood of boundaries between two Dominions after 15 August	193

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135	Note by Mountbatten	July undated	Withdrawal of British Forces from India and proposal for temporary retention of RAF transport squadron	195
136	Ismay to Mountbatten Tel. 90 via India Office	16	Suggests that Mountbatten might use 'ridiculous claims' of Afghan Govt to point out to Partition Council or to leaders individually how essential it is for India and Pakistan to have unified defence policy	196
137	Listowel to Shone UKRI 453 via Cabinet Office	16	Transmits instructions to negotiate with Indian leaders standstill agreement for continued provision of military aircraft transit facilities	196
138	Mountbatten to Burrows Tel. 1993-S	16	Seeks appreciation of situation which will arise in Calcutta when result of Boundary Commission is announced in order to reassure Nehru; has no doubt Congress fear that League will carry out their threat to wreck city before they turn it over to Indian Dominion	197
139	Mountbatten to Hydari Tel. 2000-S	16	Refers to Nos. 94, 95 and 98; considers that Sylhet referendum has been efficiently and impartially run	198
140	Mieville to Ismay Tel. 1996-S via India Office	16	Question of appointment of Sir A. Rowlands as Jinnah's Chief Adviser	198
142	G. of I., External Affairs and and Commonwealth Relations Dept to S. of S. Tel. 5574	16	Rejects suggestion that Afghan Govt should send suitable emissary to discuss matter of N.W.F.P. with Viceroy or any Indian political leaders	200
143	Ismay to Mountbatten Tel. 89 via India Office	16	Reports meeting with Chiefs of Staff on subject of strategic requirements	200
144	Listowel to Mountbatten Tel. 9156	16	Refers to No. 121; transmits relevant passage from Henderson's speech which differs in some important respects from version given to Mountbatten by Jinnah and Liaquat	201
145	Mountbatten to Listowel Tel. 1999-S	16	Requests guidance as to whether he will cease to be Governor-General as from one minute past midnight on night of 14/15 August and asks for form of oath to be taken on morning of 15th	202
147	Listowel to Mountbatten Tel. 9189	17	Refers to No. 110; comments on the Draft Order for the reconstitution of the Interim Govt	204
148	Partition Council Meeting Case Nos. P.C.47/6/47, 55/6/47, 56/6/47 and 57/6/47	17	(1) Agreed that in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after 15 August, plan of action should be on lines indicated in No. 102;	206

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148 (*cont*).			(2) Arbitral Tribunal; (3) Issues connected with the Partition work in the Punjab; (4) Replacement of present Partition Council after 15 August	
152	Attlee to Nehru Letter	17	Explains why suggested amendment to clause in Bill about States which he has discussed with Krishna Menon could not be accepted; expresses *inter alia* admiration for courage and statesmanship of Nehru and Patel	214
153	Attlee to Mountbatten Letter	17	Debates on Bill went well and opposition played their part in helping to get it through; tributes to Mountbatten were well deserved and it is also recognised that Edwina has played great part in creating new atmosphere; expresses appreciation of Mountbatten's decision to carry on for next stage; royal engagement	215
155	Mountbatten to Listowel Tel. 2010–S	17	Transmits text of Communiqué on reconstitution of Interim Govt	216
156	Mountbatten to Listowel Tel. 2011–S	17	Transmits text of background press note on reconstitution of Interim Govt	217
157	Cabinet India and Burma Committee I.B. (47)42nd Meeting Minutes 1–2	17	(1) Continued service of British Officers in the Armed Forces in India; (2) Position of Judges of the Indian Federal and High Courts	218
158	Mountbatten to Listowel Tel. 2018–S	17	Jinnah is anxious to make Baluchistan a Governor's Province and Mountbatten has urged on him advantage of appointing a British Governor; suggests Listowel should talk to Weightman who has been approached in this context to try to remove any doubts he may have	220
159	Record of Interview between Mountbatten and Nishtar and Akhtar Hussain	18	Jinnah has assured Mountbatten that Govt of West Punjab will not interfere with rights or irrigation from rivers of Punjab and Mountbatten will ask Menon to secure similar assurance from Congress; Pakistan policy on accession of States; Nishtar asks that at forthcoming meeting with States there should be separate representation for those States included in groups of which majority want to join Indian Union but do not wish to join themselves; Pakistan's representation abroad; question of tariffs in Instrument of Accession; Pakistan Govt will claim to succeed to treaty obligations and	221

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159 (*cont*).			rights of H.M.G. in regard to Kalat; meeting with Kalat delegation	
161	Burrows to Mountbatten Tel. 210–S	18	Refers to No. 138; Congress fears about security of Calcutta; examines likelihood of trouble and outlines precautions being taken; has urged Army Commander to provide three additional Indian Army battalions for critical period in August; does not believe that Muslim leaders intend to attempt destruction of city though there is possibility that some Muslim elements may get out of hand; Nehru may be assured that 'Calcutta shall not be destroyed'	224
162	Viceroy's Personal Report No. 13	18	Little change in general state of affairs in country; Jenkins' note on points in dispute in Punjab Partition Committee; intends to visit Punjab to study situation and urge agreement on administration of three Districts seriously in dispute; Radcliffe's views on Bengal and Punjab Boundary Commissions; Sikh threats to resort to violent action if they are not satisfied with Boundary Commission's award; establishment of unified military command in potential disturbed areas; joint statement giving full assurances to minorities; referendum in Sylhet and complaints in relation to it; reconstitution of Interim Govt has been worst headache to date; reactions of political leaders to new formula for reconstitution which has now been accepted; Liaquat has been made aware that Mountbatten cannot make Orders-in-Council amending the 1935 Act for Pakistan on advice of Jinnah as latter is going to become constitutional Governor-General of Pakistan; appeal to British service personnel in India to stay on for transitional period; pays credit to Steering Committee of Partition Council; reduction in personal staff after transfer of power; has suggested to Nehru that he should appoint an official Secretary to the Governor-General; Mountbatten's accommodation; dinner parties to celebrate Bastille Day and Mountbatten's silver wedding; official ceremonies on transfer	225

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162 (*cont.*)			of power; new dominions have not accepted the Union Jack in upper canton of their flags; arrangements for dominions to fly Union Jack, white ensign of navy and Dominion Governors-General flag; Jinnah's court circular in *Dawn*	
164	Indian Independence Act, 1947	18	An Act 'to make provision for the setting up in India of two independent Dominions', to substitute other provisions for certain provisions of the G. of I. Act 1935, which apply outside those Dominions, and to provide for other consequential or connected matters	233
165	Listowel to Mountbatten Tel. 9261	18	Royal Assent has been given to Bill	249
166	Listowel to Mountbatten Letter	18	Impossible to convince Burmese of advantages of remaining in Commonwealth; Colonial Office have agreed in principle to appointment of Indian Agents in E. Africa, W. Indies, Fiji and Mauritius as requested by Nehru; announcement about partition of Armed Forces; praises Mountbatten's handling of question of Governor-Generalships; is sorry that it was not possible to announce appointments to Governorships during passage of Bill through Parliament and comments on Cunningham and Killearn, Slim's refusal to accept invitation to be C.-in-C. of Army of Indian Dominion; expresses hope that latest device for future of Interim Govt will bridge time remaining before 15 August; is arranging for Krishna Menon to meet Opposition leaders and need for someone at India House with organising and administrative ability; strain on Viceroy and his staff; appreciates political importance of providing Indian navy with cruiser; Ismay will explain new set-up in Commonwealth Relations Office on his return; completion of work of Boundary Commissions and reactions of Sikhs; need to avoid statement giving Travancore leverage in asserting its independence or economic autonomy; discussions with representatives of Hyderabad; Bill has	250

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166 (*cont.*)			received Royal Assent, its passage through Parliament; Ismay's departure; Nehru's failure to respond to Smuts's efforts to secure détente about Indians in S. Africa and desirability of avoiding repetition of last year's controversy at next meeting of U.N.O. Assembly; Jagjivan Ram's visit to London; suggestion that someone versed in Dominion procedures should be attached to Mountbatten's staff during next few months.	
167	Krishna Menon to Mountbatten Letter	18	Bill is now law and H.M.G. have been better than their word on time-table; discussion with Attlee, Law Officers and Henderson about States; Jinnah has overplayed his hand; Listowel, Henderson and Cripps have promised to do what they could in speeches to indicate that H.M.G. would not welcome Balkanisation or Dominion Status for Princes	255
168	Mountbatten to Listowel Tel. 2036-S	18	Refers to No. 147; replies to Listowel's comments on the Draft Order for the reconstitution of the Interim Govt	256
169	Listowel to Mountbatten Tel. 9305 (extract)	18	Refers to No. 124; agrees that statement should be made to effect that British Forces will not be used operationally after 15 August and will not be available to intervene in internal disorder; as far as possible families should move with units concerned	257
170	Gazette of India Extraordinary Notification by Secretariat of the Governor-General (Reforms)	19	The Executive Council (Transitional Provisions) Order, 1947	257
171	Partition Council Meeting Case No. P.C. 69/7/47	19	Future economic relations between the two dominions; flight of capital from Pakistan and possible remedial measures	259
172	Nehru to Mountbatten Letter	19	Composition of Indian Cabinet; existing members will continue and five will double up to take charge of portfolios and departments vacated by Muslim League nominees; stresses that arrangements are provisional only and subject to change in future	260
173	Abell to Liaquat Ali Khan Letter	19	Requests confirmation of distribution of portfolios in provisional govt of Pakistan	261

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	Name and Number	Date	Main subject or subjects	Page
		July		
177	G. of I., External Affairs and Commonwealth Relations Dept to H.M. Minister Kabul Tel. 166	19	In view of Shah Mahmud's more reasonable attitude and on understanding that he will not in any sense be regarded as official emissary of Afghan Govt, G. of I. agrees that there might be advantage in establishing informal contact with Shah Mahmud in Delhi	266
178	Listowel to Mountbatten Tel. 9329	19	Refers to No. 158; explains reasons why proposition to make Baluchistan a Governor's Province seems doubtful	267
180	Abell to Carter Tel. 2052–S (extract)	19	Jinnah is most anxious to have Cunningham but is embarrassed at any suggestion that one Governor should be treated in special way; need to seize every vacancy for Governorships offered to British is of paramount importance and prospects of Pakistan remaining within Commonwealth may partly depend on this	269

CHAPTER 2

Preparations for Transfer and Partition. Problems of law and order; Formation of the Punjab Boundary Force: 20 July to 8 August 1947

	Name and Number	Date	Main subject or subjects	Page
		1947 *July*		
181	Mountbatten to Nehru Letter 1446/16	20	Refers to No. 114; admits there is apparent contradiction between para. 13 of 3 June Statement and clause 3(3) of India Bill on Sylhet but can recollect no intention of treating Sylhet district differently from Muslim majority districts of Bengal; has always been understood that in event of Sylhet referendum being in favour of amalgamation with East Bengal, provisional boundaries of that province will include Sylhet district subject to final decision of Boundary Commission; appreciates difficulty in transferring and retransferring territory but, as Nehru realises, similar problem arises in regard to division of Bengal and Punjab; explains why Nehru's suggestions for representing Assamese interests are not feasible	270

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
182	Mieville to Jinnah Letter 90/11	20	Present information indicates that Frontier ministry has no intention of resigning but Dr. Khan Sahib has indicated that he would resign if he could be assured that general election would be held in reasonably near future	271
183	Mieville to Jinnah Letter	20	Asks if Jinnah would be prepared to meet Abdul Ghaffar Khan to negotiate agreement on basis of (1) complete provincial automony for N.W.F.P. in all matters except defence, external affairs and communications; (2) right for Province to secede from Pakistan; (3) that contiguous Pathan areas should be allowed to join N.W.F.P.	271
184	Minutes of Viceroy's Twenty First Miscellaneous Meeting	20	(1) Military measures in the Punjab; (2) The retention of British Officers in the Indian Armed Forces; (3) Posting of officials in the Punjab; (4) Muslim officials	272
187	Mountbatten to Listowel Tel. 543-GT	20	Transmits result of North West Frontier Province Referendum	277
188	Lockhart to Mountbatten Tel. CA/149	20	Refers to No. 45; assumes Mountbatten will regard result of referendum in N.W.F.P. as decisive vote for Pakistan and therefore of policy contrary to present Ministry's; reviews position and requests permission, if he cannot persuade present Ministry to resign and accept League Ministry, to dismiss Ministers and assume powers under Section 93	278
189	Note by Abell	21	Mountbatten agrees with general policy of letting Sikhs blow off steam and not attempting to put their leaders in jail	278
190	Abell to Beaumont Letter 1446/17	21	Jenkins would appreciate advance information of general purport of Boundary Commission Award when time comes; even a few hours warning would be better than none	279
191	Minutes of Viceroy's Sixty First Staff Meeting Items 2, 4 and 6	21	(2) Issues connected with the partition work in the Punjab; (4) The North-West Frontier Province; (6) Baluchistan	279
193	Mountbatten to Nehru Letter	21	Refers to Nos. 138 and 161; Congress fears about security of Calcutta; reports Governor's views and his assurance that everything possible will be done to prevent Calcutta being	282

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	Name and Number	Date	Main subject or subjects	Page
		July		
193 (*cont.*)			destroyed; asks Nehru to use his influence to prevent any provocation by Hindus on 15 August	
194	Nehru to Mountbatten Letter	21	Tension between Hindus and Muslims in Calcutta; process of administrative separation in Bengal should begin before Boundary Commission Award is given; continued retention in W. Bengal and Calcutta of officers who have opted for Pakistan and E. Bengal only leads to friction; these officers, together with their counterparts in E. Bengal who have opted for W. Bengal, should be transferred immediately; Punjabi Muslims in battalions in Calcutta, about whom there have been serious complaints, should be transferred once sufficient Indian troops have been sent; if situation deteriorates in Calcutta there will be immediate repercussions in other parts of Bengal and thus separation, subject to decisions of Boundary Commission, should be completed by 3 August	283
195	Nehru to Mountbatten Letter	21	Refers to No. 181; only solution is to expedite decision of Boundary Commission so that there is only one transfer involving Sylhet after Commission has reported; close analysis of voting figures in referendum will assist Commission in determining how Sylhet should be divided; trusts that every facility will be given to Assam Govt to present their views; presses for simpler frontier based on some natural barrier and asserts that national frontiers should be determined by reference to national rather than to sectional interests; has instructed Baldev Singh to depute some senior Indian officers to present defence point of view to Boundary Commissions	285
196	Secretaries to Punjab Boundary Commission to Abell Tel. unnumbered	21	Refers to Vol. XI, No. 59; requests that plan submitted to Mountbatten on behalf of Sikhs and map he studied should be forwarded to Punjab Boundary Commission immediately	286

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
197	Chiefs of Staff Committee C.O.S. (47)90th Meeting Minute 1	21	Services Staff Colleges; Admission of Indian Students	287
198	Listowel to Mountbatten Tel. 9386	21	Refers to paras. 1 and 2 of No. 132, Tribal Agreements. in view of Section 7(1)(c) of Independence Act no formal assurances can be given to Afghans that existing agreements will continue to be honoured; as N.W.F.P. is to be included in Pakistan, provisional govt should approach tribes on lines corresponding to negotiations being undertaken with States; continuity of policy will have stabilising effect; trusts Jinnah can give Shah Mahmud some comforting reassurance as to future relations between Pakistan and Afghanistan	288
199	Baldev Singh to Mountbatten Letter	22	Agrees with views expressed by Nehru (No. 195) that it is necessary to have a natural boundary line as far as possible and that defence point of view should be put before Boundary Commission; Indian Officers should get their orders today in order to enable them to prepare their cases	289
200	Mountbatten to Radcliffe Letter 1446/17	22	Punjab Partition Committee have stated that they will accept Boundary Commission Award but feel risk of disorder would be greatly increased if Award had to be announced at very last minute before 15 August; asks if there is any chance of announcing Award by 10 August	290
204	Listowel to Mountbatten Letter	22	Desirability of issuing formal Instruments of Instructions to Governors-General and Governors	300
205	Partition Council Meeting Case Nos. P.C.74/8/47, 80/8/47, 81/8/47, 82/8/47	22	(1) Plan of action in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after 15 August; (2) Issues connected with the partition work in the Punjab; (3) Draft Statement by Partition Council; (4) Partition Council to function temporarily as Joint Defence Council	301
206	Secretaries to Punjab Boundary Commission to Abell Tel. unnumbered	22	Refers to Nos. 121 and 144; requests that communications exchanged between Viceroy and Secretary of State on subject of Henderson's	303

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	Name and Number	Date	Main subject or subjects	Page
		July		
206 (*cont.*)			speech in Commons explaining terms of reference of Boundary Commission should be forwarded to Punjab Boundary Commission immediately	
207	Mountbatten to Baldev Singh Letter	23	Refers to No. 199; point has already been raised in Partition Council and Mountbatten thinks that Council would not be in favour of reconsidering their decision; explains that it would be embarrassing either for G. of I. as a whole to put point of view to Boundary Commission or for the two Provisional Govts to put opposite views through representatives who are still members of a single Army	304
208	Mountbatten to Nehru Letter	23	Refers to No. 195; has explained to Mr Bardoloi that, in relation to Sylhet, it is now too late to consider altering position of Commission or appointing assessors to assist it; has written to Baldev Singh concerning question of putting defence point of view before Boundary Commissions	304
209	Radcliffe to Mountbatten Letter	23	Refers to No. 200; appreciates importance of earliest possible date for Award; explains why he does not think he can manage 10 August; thinks that he can promise 12 August and will do the earlier date if he possibly can	305
210	C. P. Scott to Jawand Singh Letter	23	Explains why Mountbatten cannot receive a deputation on behalf of military grantees of Montgomery District in connection with the boundary to be determined between India and Pakistan	305
211	Lockhart to Mountbatten Letter (extract)	23	Post-referendum problem in N.W.F.P.; risk of disturbances and activities of Faqir of Ipi	306
212	Rowan to Harris Letter	23	Matters referred to in No. 125 are of some importance and delicacy Prime Minister feels that answer should set out position fully and plainly and has approved draft reply (No. 225)	308
214	Note by Jenkins	23	Large Sikh Diwan has been advertised to be held at Nankana Sahib, Sheikhupura district, where public meetings are prohibited, on 27 July; outlines measures which will be adopted to prevent meeting taking place	309

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	Name and Number	Date	Main subject or subjects	Page
		July		
215	Listowel to Mountbatten Tel. 9507	23	Refers to No. 145; confirms that Mountbatten will cease to be Governor-General immediately after midnight on 14 August; transmits form of oath of allegiance and oath of office taken by Governors-General of Dominions	311
216	Abell to Secretaries to Punjab Boundary Commission Tel. 563-GT	23	Refers to No. 206; explains that Henderson's remarks were wrongly reported in Indian Press and transmits relevant passage from his speech; claims privilege for correspondence on subject but says this has been made available to Radcliffe who will show it in confidence to his colleagues	311
218	Subbarayan to Attlee Letter	24	Congratulates Attlee on passage of Independence Act; remarks that introduction of separate electorates in 1909 sowed seeds of bitterness between two communities	313
219	Listowel to Attlee Minute 131/47	24	Submits for approval enclosures prepared under the aegis of the Chiefs of Staff on (1) India—Defence Requirements: brief for negotiations; and (2) British Defence Requirements in India	314
220	Mountbatten to Hydari Tel. 2918-S	24	Explains that it is for Boundary Commission to interpret their terms of reference; has been asked more than once to define them but has had to refuse	321
221	Mountbatten to Attlee Tel. 2912-S via India Office	24	Expresses thanks for No. 119; India appreciates H.M.G's difficulties but any repudiation of debts will have worst possible effect; if question comes up in discussion H.M.G. should adopt line that it admits obligation even though no large payments can be made at present	322
222	Record of Interview between Ismay and Jinnah	24	Ismay specifies a number of incidents which have led Mountbatten almost to despair about possibility of friendly co-operation with Jinnah; Jinnah replies and ends by saying he will always be Mountbatten's friend and that he should be judged by deeds not words	322
223	Mountbatten to Listowel Tel. 2915-S	24	Indicates that he has secured agreement of Partition Council to publication of statement in No. 224 and requests that Attlee should be informed	325
224	Mountbatten to Listowel Tel. 2916-S	24	Transmits Press Note and text of statement referred to in No. 223 in which representatives of two future	326

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	Name and Number	Date	Main subject or subjects	Page
		July		
224 (*cont.*)			Govts reaffirm assurances to minorities, pledge themselves to accept awards of Boundary Commissions, emphasise that violence will not be tolerated and explain agreement to establish as from 1 August a special military command in Punjab	
225	Listowel to Mountbatten Tel. 92	24	Refers to No. 125 explains why possibility of a Privy Councillorship should not be mentioned to Jinnah	327
226	Listowel to Mountbatten Tel. 9551	24	Refers to No. 144; transmits two parliamentary questions which have been put down on terms of reference of Boundary Commission and seeks concurrence in or suggestions on proposed reply	329
227	Mountbatten to Listowel Letter	24	Burmese decision to leave Commonwealth; concern that India may also wish to leave and possibility of some looser form of Commonwealth association; Aung San's death; partition of Armed Forces; Jinnah's offer of E. Bengal governorship to Killearn; Slim's decision not to accept appointment as C.-in-C.; Krishna Menon has been a valuable contact; official telegram about cruiser; Smuts and Indian position in S. Africa; Jagjivan Ram's visit to England; welcomes idea of having an expert on Dominion procedure; expresses admiration at way in which Independence Bill went through Parliament and congratulates Listowel and members of Govt	330
228	Viceroy's Personal Report No. 14	25	Referendum in N.W.F.P.; visit to Lahore and meeting with Punjab Partition Committee; all members of the Punjab Partition Committee declared their parties would abide by decision of Boundary Commission; special military measures to be taken in twelve of fourteen disputed districts in Punjab; Partition Council are delighted at solution of Punjab deadlock; Partition Council Statement; meeting with Kalat delegation; meetings with Sir C. P. Ramaswami Aiyar; has told Hyderabad delegation that Nizam must accede and has co-ordinated plan of campaign with Monckton to bring Nizam in; importance of Hyderabad and Travancore in determining attitude of other States; honorary military ranks and	333

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	Name and Number	Date	Main subject or subjects	Page
		July		
228 (*cont.*)			military decorations for Rulers; offer of three subject accession is tremendous advance for States; question of Congress agreement to terms of accession for States; Jinnah will offer States Treaties of Accession on same lines but insists on dealing with each State separately; tension between Pakistan and India officials; Dominion Governors-General Flag and White Ensign; Lady Mountbatten has visited hospitals and Punjab Public Health School at Lahore; press comments about destruction in Lahore are exaggerated	
229	Jinnah to Mieville Letter	25	Refers to No. 183; is unable to meet Abdul Ghaffar Khan to discuss an agreement as matters involved can be dealt with only by Constituent Assembly of Pakistan	340
230	Tara Singh to Attlee Letter E/101	25	Asks Attlee to receive a Sikh deputation from the Shiromani Akali Dal	340
231	Listowel to Mountbatten Letter	25	Partition Council Statement; trusts solution of problem of Interim Govt is working satisfactorily in practice; retention of Mountbatten's staff officers during transition period; flags; tragic events in Rangoon; U.S. State Dept attitude towards States; attitude of French Govt in regard to Hyderabad; question of applying Pensions (Increase) Act, 1947 to Indian pensioners in U.K.; official telegram about cruiser; inaugural luncheon for association of Indian Journalists in London; luncheon for Krishna Menon	341
233	Weightman to Listowel Letter (extract)	25	Explains why he is unable to accept Jinnah's offer of the post of Governor of Baluchistan	346
235	Listowel to Mountbatten Tel. 9616	25	Refers to Nos. 223 and 224; transmits congratulations from Prime Minister	352
236	Listowel to Mountbatten Tel. 9607	25	Refers to No. 226; explains that M.P. is agreeable to making his questions non-oral on condition that reference is made in reply to shrines of other communities which puts them on same footing as Sikh shrines; transmits proposed reply and asks for Mountbatten's views	352
237	Mountbatten to Attlee Letter	25	Refers to No. 153; masterly way in which H.M.G. managed to get Bill through in record time saved breakdown	353

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	Name and Number	Date	Main subject or subjects	Page
237 (*cont.*)		*July*	over reconstitution of Interim Govt; unanimous advice of King and Cabinet has made a difficult decision to stay on easy; negotiations with States and meeting in Chamber of Princes; royal engagement	
238	Record of Interview between Jenkins and Swaran Singh	25	Jenkins states that Swaran Singh should tell leaders of his party to discourage Diwan at Nankana Sahib (No. 214); Swaran Singh is still anxious to get whole or part of Montgomery district and Nankana Sahib but Jenkins says Sikhs must dismiss from their minds any idea of large territorial gains; Jenkins says it is not his business to advise members of Boundary Commission or to make any recommendations	354
243	Cabinet India and Burma Committee Paper I.B. (47)147	26	Memorandum by Listowel on Ceremonies in India on 15 August and Flags	361
245	Mountbatten to Listowel Tel. 2957-S	26	Partition Council have agreed that maintenance of independence of Judiciary is of paramount importance and that right of proportionate pension should be granted in certain circumstances; has sent telegram to this effect to all Governors	364
246	Rumbold to Williams Tel. 9701	26	Refers to No. 20; so far as arrangements before transfer of power are concerned, all matters regarding content of treaty are being covered either by provisions of Act or in separate correspondence	365
247	Nehru to Mountbatten Letter	26	Expresses surprise at attitude of C.-in-C. and conduct of Mohamad Ali regarding appointment of Joint Financial Advisers to Supreme Commander; states that general attitude of C.-in-C. is not in keeping with position as it has developed and asserts that Supreme Commander will not be free to carry out administration in accordance with his own ideas; set-up of future Joint Defence Council will have to be reconsidered if there is any doubt regarding position of Indian Govt and its defence forces	365
248	Mountbatten to Listowel Tel. 2963-S	26	Transmits personal message from Jinnah to Cunningham in which former says he is glad latter has agreed to serve as Governor of N.W.F.P.	367

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
250	Viceroy's Conference Paper V.C.P. 140	27	The possibility of disturbances in the Punjab; attempts to subvert troops in areas concerned	369
251	Mountbatten to Listowel Tel. 2970–S	27	Transmits text of Oath of Office for Ministers	370
252	Mountbatten to Listowel Tel. 2971–S	27	Refers to No. 204; Instrument of Instructions and forms of oath	370
253	Mountbatten to Listowel Tel. 2973–S	27	Appointment of Commanders of the armed forces of two new Dominions	371
254	Jenkins to Mountbatten Tel. 195–G (extract)	27	Situation worsening owing to Sikhs' refusal to await Boundary Commission award and their apparent reluctance to accept it	372
256	Minutes of Viceroy's Sixty Fifth Staff Meeting Items 2–3, 6–8	28	(2) the reconstitution of the Interim Government, C.-in-C's misunderstanding of new situation; (3) principles to govern employment after 15th August of British Officers serving with the Armed Forces of the two new Dominions; (6) the Government of the future Dominion of India; (7) the retention of India within the Commonwealth; (8) the possibility of disturbances in the Punjab	373
261	Cabinet India and Burma Committee I.B. (47)43rd Meeting Minute 2	28	Refers to No. 243; Ceremonies in India on 15th August and Flags for new Dominions	381
267	Directive from Sir A. Smith AFS/34	29	Use of British Troops after 14 August 1947; issued to selected British commanders on Top Secret and personal basis	394
268	Abell to Morris-Jones Letter 1996/5	29	Conveys request from Mountbatten for Morris-Jones to examine question how there can be looser form of Commonwealth association allowing India to remain a member even if it becomes a Republic	397
270	Record of Interview between Mountbatten and Nehru (extract)	29	Confusion over C.-in-C. and reconstitution of Govt; assures Nehru that he has complete faith in Auchinleck's integrity and that latter had not seen order splitting Govt when minutes were written; explains that Auchinleck is asking Trivedi to visit him and says that Trivedi should help to clear up confusion	399
272	Jenkins to Mountbatten Tel. 197–G	29	Punjab Partition Committee has not yet made promised statement; draft has been prepared by Daultana but Swaran Singh says he does not know	401

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	Name and Number	*Date July*	*Main subject or subjects*	*Page*
272 (*cont.*)			what to do in view of Giani Kartar Singh's statement that Sikhs would not accept Boundary Commission's award unless they considered it just; has advised Swaran Singh to contact Baldev Singh and suggests Mountbatten should ask Baldev Singh to put pressure on Giani to make statement accepting award; demonstration at Nankana Sahib has fizzled out	
273	Mountbatten to Listowel Tel. 3011-S	29	Oaths of Office and Oath of Secrecy	401
274	Mountbatten to Listowel Tel. 3012-S	29	Refers to No. 273; transmits text of Oath of Office for Governors and text of Oath of Office for Ministers	402
276	Provisional Joint Defence Council Meeting Case Nos. J.D.C. 9/2/47, 11/2/47	29	(1) Position of British Troops after 15 August; (2) Situation in the Punjab boundary areas	403
278	Minutes of Viceroy's Twenty Third Miscellaneous Meeting	29	Mountbatten, Jinnah, Liaquat and Lockhart discuss post-referendum problem in N.W.F.P.; agreement that papers should be prepared for meeting of Pakistan Executive Council on (1) form of instructions which Viceroy should issue to Governor of N.W.F.P. on future government of that province; (2) problem arising from resignation of Maulana Abul Kalam Azad as a member of the Constituent Assembly	405
279	Record of Interview between Mountbatten and Jinnah and Liaquat (extract)	29	(4) Bihar; (5) Arbitral Tribunal; (6) Amnesty to be declared on 15th August; (7) Flags	409
283	Mountbatten to Listowel Tel. 3039-S	30	Provisional Joint Defence Council agrees that Statement should be made on role of British Forces and prefers question and answer in Parliament to announcement by Govt; transmits suggested question and answer; Partition Council accepts that no RAF squadrons will be available for operational use	413
286	Mountbatten to Jenkins Tel. 3041-S	30	Explains that Partition Council have been discussing action to prevent disturbances in neighbourhood of boundaries between Dominions before and after 15 August; to cover period up to 15 August has been asked to instruct Jenkins to declare districts likely to be affected as 'disturbed areas' under Punjab legislation as from 1 August; asks Jenkins to take action now to cover period before 15 August	415

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	Name and Number	Date	Main subject or subjects	Page
		July		
287	Minutes of Viceroy's Twenty Fourth Miscellaneous Meeting	30	Meeting between Mountbatten and Provincial Separation Committee in Bengal on (1) the Arbitral Tribunal; (2) the continuation of the Partition Council after 15 August; (3) Internal security; (4) the inclusion of roads, etc. among the assets to be divided; (5) Electrical fittings, Typewriters, etc; (6) method of assessing present value of Government buildings and lands; (7) money for East Bengal; (8) Building Materials; (9) Food; (10) the posting of officials	416
289	Record of Interview between Mountbatten and Tuker and Ranking	30	Mountbatten asks whether it is necessary to establish in Bengal a system of joint command similar to the one in the Punjab and also whether there is confidence that military authorities can deal with likely disturbances in Calcutta; Tuker, supported by Burrows and Ranking, says joint command is not necessary; Tuker anticipates larger disturbances than before in and around Calcutta but says army is ready to deal with them; Tuker asks that steps be taken to expedite provision of H.Q. for E. Bengal; Mountbatten agrees to take matter up upon his return to Delhi	422
290	Record of Interview between Mountbatten and Ghosh and Suhrawardy	30	Ghosh and Suhrawardy confirm that they will issue joint statement similar to one put out by Central Partition Council; Mountbatten reports discussion at No. 289 to effect that joint command organisation is not necessary in Bengal; Suhrawardy indicates grounds for concern which are discounted by Ghosh; the Governor's reassurance; money available for move of E. Bengal Govt to Dacca; future of Punjabi Mussulmans in Calcutta armed police; choice to be offered to Govt servants; communal proportions in educational institutions	423
291	Record of Interview between Mountbatten and Suhrawardy	30	Suhrawardy suggests that E. and W. Bengal should exchange representatives after transfer of power; Mountbatten welcomes suggestion and undertakes to put it to Partition Council; Suhrawardy adds that he and Ghosh have arranged weekly visits to each other; Suhrawardy is enthusiastic when Mountbatten divulges that Jinnah has	424

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
291 (*cont.*)			asked for Rowlands to come out as Governor of E. Bengal	
292	Jenkins to Mountbatten Letter 698	30	No improvement in communal situation at Lahore and feeling in that city is perhaps worse than it has ever been; bomb outrages at Amritsar; situation in Amritsar and Gurdaspur villages gives cause for considerable anxiety; Sikhs seem to be aggressors in rural areas and they have made certain preparations some of which have been disclosed prematurely; Sikh meeting at Nankana Sahib; partition work is making slow progress and a considerable muddle on 15 August cannot be avoided; shortage of rain and prospect of poor harvests; expects to relinquish office on 14 August and to leave for Karachi on 15 August; Enclosure: note of interview with Giani Kartar Singh; Jenkins insists that Sikhs have no option but to accept Boundary Commission award and that Sikhs are doing themselves no good by their demonstrations and outrages; Giani says that Sikhs will not accept an unjust award and that he will not agree to make statement similar to one made by Partition Council; Giani explains that Sikhs favour amalgamation of non-Punjabi speaking districts with U.P. or with any new Province and would try to organise the rest of E. Punjab, along with Sikh States, into a Sikh majority province	425
293	Listowel to Mountbatten Tel. 9857	30	Asks whether it is proposed that Pakwasa should be appointed Governor of Central Provinces and Berar; explains that Berar Agreement of 1936, under which Governor is appointed after consultation with Nizam, will lapse on 15 August; suggests that Nizam be urgently consulted and says that pending reply Pakwasa's name will not be submitted to king	431
294	Notes by Mohammad Ali and Spence	30	The effect of the referendum in the N.W.F.P. on the position of the Ministry in that Province	432
298	Ismay to Mountbatten Minute	31	Explains that Abell and Short consider that it would be useless and impolitic to press Baldev Singh to persuade Giani to	439

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	Name and Number	Date	Main subject or subjects	Page
		July		
298 (*cont.*)			make statement as suggested in No. 272; if Mountbatten agrees, a reply will be sent to Jenkins accordingly	
299	Jenkins to Mountbatten Tel. 203-G	31	Refers to No. 286; whole of Punjab was declared a disturbed area under Punjab Disturbed Areas Act 1947 on 31 May; presumes that notification of 31 May and Punjab Disturbed Areas Act continue in force automatically after 15 August	440
300	Listowel to Mountbatten Tel. 95	31	Transmits message from Attlee in which latter states intention, on occasion of end of Mountbatten's 'short but great' Viceroyalty and transfer of power, to submit Mountbatten's name to King for Earldom; if King approves, announcement will be made in U.K. on 15 August; asks if proposal is agreeable to Mountbatten	440
		August		
301	Pakistan Cabinet Meeting Case No. 1/1/47	1	The effect of the referendum in the N.W.F.P. on the position of the Ministry in that Province	441
302	Viceroy's Personal Report No. 15	1	Pressure of work and formation of Joint Defence Council; disturbances in the Punjab; rumours that Sikhs intend to make trouble after announcement of Boundary Commission award and evidence that new Dominions will be firm in dealing with disturbances; meeting with Bengal Separation Council; meeting with Burrows and Army and Area Commanders in Bengal; meeting with Ghosh and Suhrawardy and issue of joint statement similar to one made by Central Partition Council; Sikhs have 'ratted' on undertaking to issue similar statement; erection of temporary buildings and repairs to old buildings at Dacca and supplies for E. Bengal; date for Muslim League departure from Calcutta; difficult Joint Defence Council and Partition Council meeting on, in particular, division of air squadrons between new Dominions; Indian contingent in Japan; question of Ministry in N.W.F.P. and advice given by Pakistan Cabinet; Nehru's desire to visit Kashmir and decision, after meeting with Gandhi, Nehru and Patel, that Gandhi should go instead; interview with Nehru on Commonwealth defence arrangements;	443

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	Name and Number	Date	Main subject or subjects	Page
		August		
302 (*cont.*)			continuation of Mountbatten's personal reports and composition of Indian Cabinet; Nehru's interview with Elmhirst about command of Indian Air Forces; visit of Dr Shariar; Mountbatten's address to Chamber of Princes; attempt on Sir C. P.'s life and accession of Travancore; Monckton's difficulties in Hyderabad; attempts to persuade Dholpur to accede; negotiations with, and behaviour of, Indore; correspondence with Bhopal whose extraordinary attitude is making his position more difficult; luncheon party for Rulers and announcement of accessions; I.N.A. prisoners: conditions in Indonesia: postcript; impending arrival of Indore and Bhopal	
304	Note by Steering Committee	1	Circulates draft statement by chairman of A.F.R.C. on 'Position of Supreme Commander and his staff during reconstitution'; recommends that Joint Defence Council should accept statement in principle	457
305	Abell to Abbott Tel. 3094-S	1	Refers to No. 272; Mountbatten is convinced that Kartar Singh should not be pressed; Tara Singh's statement suggests that there may be no serious trouble for moment; asks whether Jenkins feels that statement by Partition Committee would be suitable	458
306	Telephone message from Abbott	1	Refers to No. 305 and Enclosure to No. 292; Jenkins confirms that Kartar Singh should not be pressed to make statement; there is going to be trouble with Sikhs and raids on Muslim villages have begun; cites casualties in Amritsar rural area; statement by Punjab Partition Committee would have no effect; Jenkins will consult Committee again	459
308	Listowel to Mountbatten Tel. 9962	1	Seeks confirmation of press reports indicating that Constituent Assembly will, at midnight on 14 August, authorise Nehru to ask Mountbatten to accept Governor-Generalship and to submit names of new Cabinet; asks Mountbatten to inform Attlee immediately if revision of procedure is contemplated	461

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	Name and Number	Date August	Main subject or subjects	Page
309	Listowel to Mountbatten Tel. 9980	1	Refers to No. 198, note 3; expresses regret that Afghan Prime Minister was unable to see Jinnah but is glad that Pakistan Government is considering its attitude towards tribes; is sending memorandum on possibility of promoting exchange of views between Pakistan and India (and H.M.G. if invited) on problem of frontier defence and relations with Afghan tribes	462
310	Listowel to Mountbatten Letter	1	Refers to No. 309 and forwards memorandum on 'North West Frontier Tribal Area and Afghanistan'; H.M.G. appreciate danger of intervening without being asked and recognise that initiative in this respect must come from Pakistan; trusts that Pakistan Govt will appreciate wider aspects outlined in para. 3 of memorandum	463
311	Commonwealth Relations Office to British High Commissioners in Canada, Australia, New Zealand and South Africa Tel. 65	1	Refers to Vol XI, No. 203; proposed alteration of King's title by omission of term 'Emperor of India'	466
312	Patel to Mountbatten Letter	2	Composition of Joint Defence Council requires reconsideration in view of fact that, if original composition is adhered to, Pakistan would be represented by both its Governor-General and its Defence Member whereas India would be represented only by its Defence Member; difference is further accentuated by attitude recently displayed by C.-in-C.; suggests strengthening Indian representation by addition of another Minister and requests early consideration of this matter	466
314	Abell to Harris Letter 1446/5	2	Forwards letter from Rau giving opinion about secession from Commonwealth and particularly the point whether there is any difference as between India and the Dominions under the Statute of Westminster	474
315	Christie to Tyson Letter 1299/2	2	Disposal of Governors' letters and provincial records	477
316	Listowel to Attlee Minute 138/47	2	Succession to present Indian membership of U.N.O.; refers to Indian and Burma Committee agreement (Vol. XI, No. 244, Minute 2) that India should be regarded as continuing international personality of former 'India'; Congress	478

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	Name and Number	Date	Main subject or subjects	Page
		August		
316 (*cont.*)			accept this interpretation but it has yet to be accepted by League; submits telegram to Mountbatten asking him to acquaint Jinnah with position	
317	Listowel to Mountbatten Letter	2	Refers to Nos 227 and 228; announcement about appointments of Governors-General and Governors; Dominion Governors; provision of Dominions expert; sentiments expressed by Mountbatten upon passing of Act; Mountbatten's meeting with Kalat delegation and his talks with Dewan of Travancore and Hyderabad Delegation; reiterates reservations about some of Mountbatten's comments in No. 234 and expresses view that if it is impossible to secure accession of key States before 15 August, H.M.G. will be satisfied if these and rest agree to be represented internationally by appropriate Dominion; Pakistan has simpler problem in dealing with smaller number of States; Kashmir's terms for accession to Pakistan; Resolution on Services; report of Union Constitution Committee of Constituent Assembly; possibility of reunion of Bihar with W. Bengal; messages for publication on 15 August; Mountbatten's visit to Bengal	479
318	Radcliffe to Abell Message	2	Explains difference of opinion among members of Bengal Boundary Commission as to scope of their own duty in respect of Sylhet; gives his own view and asks whether any further instruction can be given so as to put matter beyond dispute; Enclosures: message for Abell and note by same explaining that Mountbatten agrees with Radcliffe's view but that Radcliffe himself must decide matter	483
319	Minutes of Viceroy's Sixty Sixth Staff Meeting Item 13	2	The North West Frontier Province; question of dismissing Ministry	485
320	Record of Interview between Mountbatten and Nehru	2	Party for representatives of three parties from Lords and Commons to meet Krishna Menon; jail releases; I.N.A. prisoners; Governors' fortnightly letters; Nehru's proposal to call for personal letters from Governors and Prime Ministers and Mountbatten's proposal to invite Governors to conference;	486

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	Name and Number	Date	Main subject or subjects	Page
		August		
320 (*cont.*)			recommendation that Sir Fazl Ali's appointment as permanent Judge of Federal Court should be made before 15 August; appointments of Pakistan High Commissioner for India and Indian High Commissioner for Pakistan; Enclosure: Note by Erskine Crum on discussion of Gurkha question between Mountbatten and Nehru	
321	H.M. Minister Kabul to G.O.I., External Affairs and Commonwealth Relations Dept Tel. 75	2	Resumption of articles in Afghan Press on frontier problems	488
322	Mountbatten to Listowel Tel. 3100-S	2	Has sent three telegrams on Service matters suggesting in each case that liability should be accepted by H.M.G. without further attempt to negotiate with Patel who is 'tired' of discussions about protection of Services; stresses that financial implications are nothing compared with importance of avoiding friction with Patel	489
323	Mountbatten to Listowel Tel. 3108-S	2	Refers to No. 308; no question of altering procedure concerning appointment of Governors; resolution has been framed so as to avoid embarrassment; issue of announcement about Central Provinces and Berar should await clearance from Mountbatten; significance of midnight on 14/15 August is that astrologers consider this is an auspicious time	490
324	Mountbatten to Wylie Tel. 3118-S	2	In response to enquiries from Muslim League, asks if Wylie would be prepared to consider accepting Governorship of E. Bengal	490
326	Short to Cripps Letter (extract)	3	Jinnah has made first major blunder by asking for Governor-Generalship; feels that 'powder magazine' is among armed forces massed to keep peace on border; asserts that nothing will shake Indians from their 'obstinate popular belief' that Radcliffe will award as Mountbatten dictates	492
327	Lockhart to Mountbatten Tel. CA-158	3	Reviews position in light of Khan Sahib's refusal to resign voluntarily and likelihood that League will make trouble if Ministry remains in office after 15 August; dismissal without dissolution would be unconstitutional and inexpedient;	493

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	Name and Number	Date	Main subject or subjects	Page
		August		
327 (*cont.*)			advocates that retention of Ministry should be conditional upon their maintaining reasonable attitude towards Pakistan Dominion and new Governor-General; says that choice between dismissal and/or dissolution should not be made and requests authority to put conditions to Khan Sahib	
328	Listowel to Mountbatten Tel. 10078	3	Pakistan membership of U.N.O.; explains position as stated in No. 316 and suggests that Muslim leaders should be advised, if they wish to obtain early election, to put forward provisional application at once; recommends method of approach and points out that both India and Pakistan might have to apply for membership if Muslim theory of two co-equal States is pressed too far	494
331	Nehru to Mountbatten Letter	4	Has been informed by members of E. Punjab Ministry that situation in Lahore continues to be tense and that advent of 15 August is looked upon with apprehension; requests action to implement suggestion that military pickets be kept in Lahore	501
332	Nehru to Mountbatten Letter	4	Submits names of colleagues in new Cabinet; explains position regarding distribution and arrangement of portfolios	501
333	Anderson to Harris Minute	4	Submits note on what attitude of H.M.G. should be to a proposition that, in view of balance of payments emergency, U.K. should now suspend or greatly reduce availability of sterling balances	502
334	Govt of Australia to Commonwealth Relations Office Tel. 211	4	Understands that H.M.G. intend to negotiate with G.O.I. on establishment of bases on Andaman and Nicobar Islands; asks to be kept informed and trusts that full consideration will be given to 'vital concern' of Australia in Indian Ocean line of communications	504
336	Mountbatten to Listowel Tel. 3138-S	4	Refers to No. 309; Jinnah has put out statement assuring tribal areas that Pakistan Govt wishes to continue treaties after 15 August and seeks friendly relations with Afghan Govt; Jinnah and Nehru have agreed that Joint Defence Council should discuss Commonwealth defence problems, which will probably include N.W.F., with Chiefs of Staff	509

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
337	Jenkins to Mountbatten Letter 699	4	Submits memorandum on the main criticisms against the Punjab Govt for its handling of the 1947 disturbances; leaves it to Mountbatten to decide whether there is any foundation for allegations of partiality made against him by Congress and League	510
338	Jenkins to Abell Letter	4	Is sending Savage with papers which Mountbatten should see or know of; question of arresting principal character mentioned	527
339	Cabinet India and Burma Committee I.B. (47) 44th Meeting Minutes 3 and 4	4	(3) Role of British Troops in India; (4) Messages for Indian Independence Day	528
341	Jenkins to Mountbatten Tel. 214-G	4	Refers to No. 331, note 2 and outlines strength of troops in Greater Lahore; Commander of Boundary Force hopes to establish more platoon posts but emphasises that present arrangements are a great strain on men employed	531
342	Mountbatten to Listowel Tel. 3170-S	5	Refers to No. 302, paras. 19–24; reports advice of Pakistan Provisional Cabinet and attitude of Congress and League leaders; indicates course he might best follow	532
343	Viceroy's Conference Paper V.C.P. 153	5	Paper by Morris-Jones on 'The Position of India and Pakistan within the Commonwealth'	533
344	Partition Council Meeting Case No. P.C. 120/15/47	5	Indian Independence (Rights, Property and Liabilities) Order	536
345	Record of Interview between Mountbatten, Jinnah, Liaquat, Patel and Savage	5	Savage reports that certain individuals arrested by Punjab C.I.D. Control have implicated Tara Singh in terrorist activities including production of bombs, a Sikh plan to attack headworks and a plan to blow up the Pakistan Special; after discussion Mountbatten decides to recommend to Jenkins that Tara Singh and other ringleaders should be arrested at about the time of the Boundary Commission's award	537
346	Abell to Jenkins Letter 592/98	5	Refers to No. 338 and conveys decision reached in No. 345; Mountbatten is of opinion that Jenkins should discuss matter with Trivedi and Premiers of E. and W. Punjab; Jenkins might wish for more time to consider and possibly after his discussions to make other recommendations	539

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	Name and Number	Date	Main subject or subjects	Page
		August		
347	Cabinet Paper C.P. (47) 213	5	Memorandum by Dalton on 'Indian Sterling Balances'	540
348	Bevin to Squire Despatch II	5	Reports conversation with Afghan Prime Minister on question of Afghanistan's interest in N.W.F.P.	541
349	G. of I., External Affairs and Commonwealth Relations Dept to H.M. Minister Kabul Tel. 183	5	Transmits text of Jinnah's press statement (see No. 336) and requests that paras. 3 and 4 be referred to Afghan Govt	542
350	G. of I., External Affairs and Commonwealth Relations Dept to H.M. Minister Kabul Tel. 182	5	Refers to No. 349, note 1, explains legal view of tribal agreements which may, subject to comments of H.M.G., be communicated informally to Afghans	543
352	Provisional Joint Defence Council Meeting Case Nos. J.D.C. 44/7/47, 47/7/47	6	(1) Terms of service for British officers and men volunteering to stay on after the 15th August 1947; (2) Statement by the Chief of Staff to His Excellency the Viceroy; Ismay's account of his meeting with Chiefs of Staff on subject of long-term defence arrangements	545
353	Partition Council Meeting Case Nos. P.C. 142/16/47, 146/16/47	6	(1) The juridical position regarding international personality and treaty obligations; (2) Titles	547
354	Patel to Mountbatten Letter	6	Refers to Partition Council Meeting at No. 344, note 1 and says that it was not appreciated what consequences would be of failure to agree to issue the Properties, Rights and Liabilities Order; explains why, in regard to vesting of responsibility for Public Debt, consequences would be extremely grave and put in jeopardy peaceful implementation of partition; suggests that, until 15 August, it is Mountbatten's responsibility to issue Order, irrespective of what parties concerned may think	549
355	Note by Cooke	6	The Indian Independence (Properties, Rights and Liabilities) Order; refers to No. 344, note 1 and maintains that Mountbatten has three options: (1) to decide not to make an Order; (2) to make an Order in terms contended for by Indian Dominion in sense that material assets would be vested according to location and Indian Dominion would assume responsibility for whole of public debt; (3) to make an Order in terms contended for by Pakistan Dominion in sense that material assets	551

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	Name and Number	Date August	Main subject or subjects	Page
355 (*cont.*)			would be vested jointly in two Dominions who would also assume joint responsibility for public debt; suggests that least unsatisfactory of three options is second and that should Mountbatten decide on this course he should first explain his decision to Jinnah and Patel	
357	Mountbatten to Bourne Tel. 3197-S	6	Jinnah has asked whether Bourne would serve temporarily as Governor of E. Bengal; Mountbatten hopes Bourne will agree	555
358	Anderson to Harris Minute	6	Refers to No. 333; Sterling Balances; says it is impossible to press Dalton to do more for India and expresses fear that Ministers may feel that Dalton has gone too far	556
359	Mountbatten to Jenkins Letter	6	Refers to No. 292; difficult task confronting existing and successor govts in Punjab in maintaining security; meeting with Savage; suggestion that Spence should serve as Chairman of Partition Council after 15 August; regrets that partition work in Punjab is not going well; will try to secure advance warning about Boundary Commission's award; assumes that Mamdot's election as leader of League party for W. Punjab means that he will be premier	557
361	Abell to Mountbatten Minute	6	Has spoken to Jinnah who is in favour of arresting more extreme Sikhs at once; Jinnah thinks that Patel would welcome trouble from Sikhs in Central Punjab and that he (Patel) only accepted arrangement agreed in No. 345 because he had no alternative; Abell thinks matter is important enough to get Jenkins down for discussion	559
362	Mountbatten to Listowel Tel. 3205-S	6	Refers to No. 328; Jinnah and Liaquat have recognised necessity for Pakistan to apply for membership of U.N.O. and have asked that H.M.G. should put in application on their behalf	559
363	Mountbatten to Lockhart Tel. 3206-S	6	Refers to No. 327; N.W.F.P. Ministry; conveys advice tendered by Pakistan Provisional Cabinet; has promised to accept advice provided he is satisfied he can do so constitutionally; Congress maintain that either proposed course of action would be constitutionally improper; is consulting Listowel about constitutional position	560

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
364	Burrows to Mountbatten Tel. 235-C	6	Refers to discussion of internal security in No. 287; Suhrawardy disputes having agreed to having no joint command organisation and, together with Nazimuddin, presses strongly for such an organisation to control troops in Calcutta area; Ghosh strongly disagrees; Burrows states that his views remain unchanged	561
365	Lockhart to Mountbatten Tel. CA-162	6	Khan Sahib has learned that Ministry might be dismissed before 15 August and so his party has decided to keep away from celebrations on that date; Khan Sahib reiterates that his party is prepared to accept Pakistan provided (1) N.W.F.P. is autonomous on all matters except External Affairs, Defence and Communications and (2) no prohibition is placed on party programmes conducted in constitutional manner	561
367	Patiala to Mountbatten Letter	7	Explains his views on boundary line of division in Punjab	563
368	Cabinet C.M. (47) 70th Conclusions Minute 7	7	Indian Sterling Balances	565
369	Minutes of Viceroy's Sixty Eighth Staff Meeting Items 1 and 4	7	(1) Astrology; (4) The Indian Independence (Properties, Rights and Liabilities) Order	566
370	Mountbatten to Listowel Tel. 3237-S	7	Transmits text of communiqué outlining agreement reached between Govts concerned about future of Gurkha units which form part of Indian Army	569
371	Foreign Office to Permanent U.K. Representative to U.N.O. Tel. 2513	7	Explains that Muslim leaders have asked that U.K. should submit immediate application on behalf of Pakistan; suggests method of approach and requests views on same	570
372	Political Agent Jaipur to Secretary to Crown Representative Tel. 1133/2	7	Reports on disturbances in Alwar	571
373	Govt of Pakistan External Affairs and Commonwealth Relations Dept to S. of S. Tel. 6420	7	Govts of U.S.A., China, Iran, Afghanistan and Egypt have been approached with proposal for exchange of Ambassadors with Pakistan; Australia and Canada have been approached for appointment of High Commissioners	572
374	Mountbatten to Listowel Tel. 3265-S	8	Submits programme for Frontier Province following talks with Jinnah and Liaquat; Liaquat on Khan Sahib's intentions	572

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	Name and Number	Date	Main subject or subjects	Page
		August		
377	Abell to Abbott Letter	8	Refers to map showing roughly boundary which Radcliffe proposes to demarcate and note by Beaumont describing it; explains that there will not be great changes from this boundary and that award is expected within next 48 hours	579
378	Notes by Abell and C. P. Scott	8/11	Abell's note refers to Patiala's letter at No. 367 and suggests that it would be best not to reply; Scott's note explains that Mountbatten is now inclined to send a reply pointing out that he is in no way able to influence findings of Boundary Commission	580
379	Mountbatten to Jenkins Tel. 3269-S	8	Jinnah would like immediate action on Sikh conspirators and only agrees to arrests being made when results of Boundary Commission's award are known as compromise; Trivedi confirms that Patel would like to postpone action; Jenkins is best judge of situation and Mountbatten will agree if he advises waiting to see reactions to award	580
381	Lockhart to Mountbatten Tel. CA/166	8	Refers to No. 374; suggests that Governor should invite League leaders to form new Ministry immediately he dismisses old	582
382	Jenkins to Mountbatten Tel. 219-G	8	Reports that situation is now serious with organised raids, in most of which Sikhs are aggressors, in the rural areas of some central districts; requests reinforcements and earliest possible advance information of Boundary Commission's award	583
384	Mountbatten to Listowel Letter	8	Kalat; cession of Darjeeling; speech to Chamber of Princes; terrorist activities amongst Sikhs; Mutiny Memorials in U.P.; invitations to some Princes and Dominion Prime Ministers to attend Princess Elizabeth's wedding	588
385	Viceroy's Personal Report No. 16	8	Meeting with Khan of Kalat; League pressure on States with Muslim rulers who are geographically linked with Indian Dominion; Rampur; Bhopal's threat to abdicate; interview with Indore; extended date for Hyderabad; Gandhi's visit to Kashmir; Gandhi's absence from 15 August celebrations and his decision to spend rest of his life in Pakistan looking after minorities; astrologers; Governor for E. Bengal; meetings of Joint Defence Council and Partition Council;	590

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	Name and Number	Date	Main subject or subjects	Page
		August		
385 (*cont.*)			statement on Refugees; Union Jack to be flown with Dominion Flag on public buildings on certain days of year; honours for Princes; Draft Properties, Rights and Liabilities Order; Chairmanship of Partition Council; abolition of Auxiliary Force (India); Ismay's statement on conversations with Chiefs of Staff; division of R.I.A.F.; military situation in Pakistan after 15 August; Defence Member; attitude of Congress towards Auchinleck; composition of Indian Cabinet; Bose's attack on Rajagopalachari; problem of N.W.F.P.; correspondence with Nehru on Personal Staff and accommodation; Indian contingent in Japan; British personnel in Indian Army who have volunteered to stay on; 'titbit' of the week; Jinnah's offer to Jodhpur and intrigues of Bhopal; Jinnah's refusal to agree to proposals on Properties, Rights and Liabilities Order; Appendices: (1) Statement by Partition Council; (2) Proposed dates on which the Union Jack will be flown on public buildings; (3) Extract from Minutes of a meeting of the Partition Council on Wednesday, 6 August 1947	
386	Listowel to Mountbatten Tel. 10280	8	Refers to Nos. 362 and 371; explains that Pakistan itself should submit application for membership of U.N.O. on 15 August	607
387	Listowel to Mountbatten Tel. 10278	8	N.W.F.P.; considers that alternatives proposed in para. 2 of No. 342 would be unconstitutional; is inclined to leave problem to be resolved after 15 August without intervention of Mountbatten or H.M.G.	608

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CHAPTER 3

The Report of the Boundary Commission and the Transfer of Power: 9 to 15 August 1947

	Name and Number	*Date* 1947 *August*	*Main subject or subjects*	*Page*
389	Minutes of Viceroy's Sixty Ninth Staff Meeting Item 1	9	(1) The Punjab: publication of Boundary Commission award, seriousness of situation	610
391	Abbott to Abell Tel. 221–S	9	Refers to No. 377; Jenkins trusts final version of Boundary Commission's award will be very precise and would like document in its final form 24 hours before release	615
392	Lockhart to Mountbatten Tel. CA/167	9	Area Commander and Inspector-General of Police are gravely perturbed at prospect of dismissal; explains that preparations to act at once are going ahead but recommends delay with Jinnah being asked to urge patience on League	615
393	Mountbatten to Listowel Tel. 3284–S	9	Refers to No. 387; proposes to inform Jinnah of Listowel's view that dismissal would be unconstitutional and to ask him to discuss with Cunningham what action should be taken about a change of Ministry on or after 15 August	616
394	Lockhart to Mountbatten Letter GH–151 (extract)	9	Reviews general situation in N.W.F.P.	616
395	Nehru to Mountbatten Letter	9	Submits note by Khosla on canal system in Punjab; Mountbatten to decide whether it should be sent on to Radcliffe	618
397	Harris to Principal Ganga Singh Letter	9	Refers to No. 230 and its note 1; matter is out of Listowel's hands and he could only repeat what has already been said by Patrick	621
398	Listowel to Azad Letter	9	Question of return to India of certain articles of historical interest in U.K.	622
399	Listowel to Attlee Minute 144/47	9	Submits memorandum on 'The future of the India Office and its contents'	622
400	Bevir to Helsby Minute	9	The future of the India Office and its contents; asks if it is worth trying to get Mountbatten to settle this matter	628
402	Listowel to Mountbatten Letter	9	Commends Mountbatten's Personal Reports; appeals to Privy Council; looser form of association within Commonwealth; citizenships; Burma and the Commonwealth; honours for Princes; luncheon for Krishna Menon; civilian ex-service clerks serving in G.H.Q. (1); governorship of E. Bengal and	629

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
402 (*cont.*)			establishment of new capital at Dacca; Nehru's urge to visit Kashmir; readiness of Nehru and Jinnah to receive Chiefs of Staff; Mountbatten's first and last contact with Chamber of Princes; problem of Hyderabad; I.N.A. prisoners; amalgamation of India Office staff with that of Commonwealth Relations Office; Resolution on the Services; messages for Independence Day; pays tribute to achievements of Mountbatten and his staff	
403	Jenkins to Mountbatten Letter 703	9	Refers to No. 379; matter has been discussed with Trivedi and Mudie and agreement reached (a) that arrests would not improve and might worsen immediate situation; (b) that it would be better to leave new Govts of W. and E. Punjab to deal with Sikhs if they give serious trouble	636
404	Mountbatten to Jenkins Tel. 3290–S	9	Refers to No. 382; reinforcements for Punjab Boundary Force	638
405	Bikaner to Mountbatten Tel.	10	Explains why he is concerned by rumours that Boundary Commission is likely to award Ferozepur Tehsil to W. Punjab and asks Mountbatten to see his Prime Minister and Chief Engineer Irrigation	638
406	Mountbatten to Nehru Letter 1446/17	10	Refers to No. 395; explains that it would be wrong for him to forward any memorandum to the Boundary Commission	639
407	Mountbatten to Liaquat Ali Khan Letter	10	N.W.F.P. Ministry; refers to advice in No. 301 and explains that Listowel has sent instructions that both courses of action would be unconstitutional; action to be taken is a matter which Liaquat and Jinnah will wish to discuss with Cunningham	640
408	Mountbatten to Jenkins Letter	10	Expresses thanks for No. 337 and its Enclosure; says that criticism could not have been avoided in the circumstances and that 'this admirable record' will protect reputation of British in last period of their rule in India	641
409	Wylie to Mountbatten Letter U.P.–89 (extract)	10	Confirms that there will be no jubilant pulling down of 'the old flag' in the U.P.	641
410	Wylie to Mountbatten Letter U.P.–90 (extract)	10	Comments on work of British Governors in Indian Provinces during last year	642
414	Burrows to Mountbatten Tel. 249–C	10	Essential to have 24 hours notice of Bengal Boundary Commission award	646

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		August		
416	Mountbatten to Listowel Tel. 3311-S	10	Transmits form of combined oath of Allegiance and Office for Governor-General and alterations in oaths of Allegiance and Office and Secrecy for Governors and Ministers as suggested by Jinnah	647
417	Hydari to Mountbatten Tel. 175-MSG	10	Sylhet Boundary Commission; submits representation from Govt of Assam and explains why he supports it	647
418	Abell to Governor's Secretary, Sind Tel. 3312-S	10	Transmits details of derailment of Pakistan special train	648
422	Mountbatten to Listowel Tel. 3322-S	10	Refers to No. 385, paras. 31-38; explains position concerning vesting of assets and liabilities and asks Listowel to instruct him to issue an Order on same	651
423	Patel to Mountbatten Letter	11	Explains briefly lines on which India proposes to deal with question of responsibility for the present National Debt and the allocation of cash balances	652
425	Gazette of India Extraordinary Notification by Secretariat of the Governor-General (Reforms)	11	The Joint Defence Council Order, 1947	655
427	Mountbatten to Bikaner Tel. 646-GT	11	Explains that he has nothing to do with findings of Boundary Commission	662
428	Ismay to Liaquat Ali Khan Letter	11	Says he was 'dumbfounded' to receive message from Liaquat to effect that, on political as opposed to judicial grounds, Gurdaspur or a large portion of it has been given to E. Punjab by award of Boundary Commission; asserts that Mountbatten has from outset made it clear that he has nothing to do with Boundary Commissions; explains that he is at a loss to know what action Liaquat wishes him to take	662
429	Ismay to Messervy Letter	11	Explains, *inter alia*, that in present state of feelings there is no hope of India recognising that it has any share of responsibility for security of North West Frontier	663
430	Note by Morris-Jones	11	Note on the Right of Secession [from the Commonwealth]	664
431	Attlee to Listowel Minute M307/47	11	Future of India Office and its contents	666
432	Note by Hawthorn	11	Summarises report from Commander of Punjab Boundary Force	667
433	Lockhart to Mountbatten Tel. CA/172	11	Refers to Nos. 374 and 387; Khan Sahib has given assurances that press reports of proposal to declare Pathanistan on 15 August are nonsense and that there is	668

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		August		
433 (*cont.*)			no question of this or any other unconstitutional action	
436	Minutes of Viceroy's Seventieth Staff Meeting Item 4	12	The Boundary Commissions	673
437	Jenkins to Mountbatten Tel. 228-G	12	Accounts for outbreak of serious disorders in Lahore; says that strength of Boundary Force is inadequate	674
438	Gazette of India Extraordinary Notification by Secretariat of the Governor-General (Reforms)	12	The Arbitral Tribunal Order, 1947	675
439	U.K. High Commissioner in India to Cabinet Office IRKU 600	12	Transmits text of telegram from H.M. Minister, Nepal indicating that Maharaja has no objection to eight Gurkha units named in communiqué at No. 370 being earmarked for transfer to British Army	678
441	Mountbatten to Patiala Letter	12	Emphasises why it has been impossible for him to consider forwarding to Boundary Commission Patiala's representation in No. 367	680
443	Listowel to Attlee Minute 147/47	12	Arrangements for discussions between Joint Defence Council and representatives of the Chiefs of Staff on Commonwealth Defence problems	683
444	United Nations Secretariat Memorandum	12	Effect of Indian Independence Act, 1947 on Membership and Representation of India in the United Nations	685
445	Govt of Pakistan, External Affairs and Commonwealth Relations Dept to S. of S. Tel. 6617	12	Govt of Pakistan would be grateful if U.K. Ambassador and not his Indian colleague would represent Pakistan after 15 August at Washington and other posts where there are U.K. and Indian Embassies	686
446	Mountbatten to Jenkins Tel. 3366-S	12	Awards for Punjab and Bengal will not be ready for publication till 15th evening or 16th morning; Govts of E. and W. Punjab must take charge according to notional boundaries on 15th and adjust later	687
447	Listowel to Mountbatten Tel. 10491	12	Refers to No. 422; matter will be discussed with Cooke; suggests that Pakistan's objections might be reduced if question of cash balances is dealt with simultaneously and requests views as to how much of same should be allocated to Pakistan if he decides to divide them	688
448	Jenkins to Mountbatten Tel. 230-G	12	Reports that Police in Lahore and Amritsar are now unreliable and that railways will not be safe unless Army can take over 'War Department'	688

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		August		
448 (*cont.*)			lines; Muslim League National guards are now very active in Lahore city	
449	Nehru to Mountbatten Letter	13	Refers to Nos. 395 and 406; appreciates Mountbatten's point of view	689
450	U.K. High Commissioner in India to Cabinet Office IRKU 596	13	Reports view of French Chargé d'Affaires on French Establishments in India	689
451	U.K. High Commissioner in India to Cabinet Office IRKU 597	13	Reports conversation with Secretary General of External Affairs Dept on French and Portuguese possessions in India	690
452	Patel to Mountbatten Letter	13	Deputation of Chittagong Hill Tribes have expressed 'grave apprehension' that their area is to be included in E. Bengal under Boundary Commission Award; has told deputation that proposition is 'monstrous' and that should it happen they could count on 'our maximum support' in resisting it; points out that there have been complaints about procedure adopted by Radcliffe; Enclosure: copy of letter from Chairman of Advisory Committee of Constituent Assembly to Chairman of Bengal Boundary Commission	691
453	Mountbatten to Burrows and Jenkins, repeated to Christie Tel. 2097-S	13	Informs Burrows and Jenkins that there is no objection to their announcing that since award of Boundary Commission is unlikely to be ready for publication before 16 August, Govts of E. and W. Bengal/Punjab will take charge up to notional boundary pending publication and implementation of award; asks Christie to make similar announcement in Delhi after securing Nehru's concurrence	693
454	Mountbatten to Nehru Letter 1446/7	13	Suggests that findings of Boundary Commission should be discussed between representatives of India and Pakistan before award is published	693
455	Nehru to Mountbatten Letter	13	Encloses copy of message he is sending on occasion of departure of first contingent of British troops from India	695
457	Meeting of Indian Cabinet Case No. 212/38/47	13	The India (Provisional Constitution) Order, 1947	697
459	Jenkins to Mountbatten Letter 704	13	Reports on communal disturbances during first half of August; difficult task of Punjab Boundary Force; Punjab Partition Committee has completed such work as it was able to do on 11 August; harvest prospects	700

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
460	Telephone Message from Messervy and Rees	13	Situation in E. Punjab is bad and postponement of Boundary Commission's award is causing uncertainty	704
461	Cabinet Office to U.K. High Commissioner in India UKRI 556	13	Transmits text of message, to be delivered on 15 August, from Attlee to Nehru	705
462	Mountbatten to Listowel Tel. 7-K	13	Refers to No. 447; explains why it is out of question for Listowel to decide allocation of cash balances	706
464	Mountbatten to Listowel Tel. 14-K	13	Pakistan Cabinet have urged retention in modified form of Section 93 in Pakistan Adaptation Order; explains views of Pakistan colleagues and Reforms Secretariat and seeks advice on constitutional position	707
465	Mountbatten to Listowel Tel. 15-K	13	Refers to No. 464; transmits text of suggested provision for retention of Section 93 in Pakistan Adaptation Order	708
466	Jenkins to Mountbatten Tel. 231-G	13	Reports casualties in Lahore, Amritsar and Gurdaspur; general situation deteriorating	708
467	Jenkins to Mountbatten Tel. 232-G	13	Refers to No. 466; reports that Lahore urban area and Amritsar district are out of control	709
468	Listowel to Mountbatten Tel. 10595	13	Understands that there is no question of fixing by Order Pakistan's contribution in respect of national debt or Pakistan's share of cash balances; agrees that, subject to amendments, Mountbatten should issue Order vesting assets and liabilities and emphasises importance attached to amendment about pensions	710
469	Listowel to Mountbatten Tel. 10598	13	Mountbatten will doubtless explain to Jinnah factors which have influenced him in regard to Order vesting assets and liabilities; agrees that Order of this sort is essential and that it is in Pakistan's interests that Dominion of India should assume responsibility for public debt	711
470	Gazette of India Extraordinary Notification by the Secretariat of the Governor-General (Reforms)	14	The Indian Independence (International Arrangements) Order, 1947	711
471	Gazette of India Extraordinary Notification by the Secretariat of the Governor-General (Reforms)	14	The Indian Independence (Rights, Property and Liabilities) Order, 1947	713
472	Mountbatten to Nehru Letter	14	Refers to No. 454; has prevailed upon Jinnah to send Liaquat and one other representative to attend this 'vital meeting' on 16th; explains that he is proposing to	720

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	Name and Number	Date	Main subject or subjects	Page
		August		
472 (*cont.*)			call a meeting of Joint Defence Council on same day to hear Auchinleck's report on his visit to the Punjab; Mountbatten, Auchinleck and Baldev Singh will leave meeting once report is over, leaving Nehru and Patel to have their discussion with Liaquat and his colleague	
473	Smith to Abell Letter 190/CGS	14	Refers to No. 448; reinforcements for the Punjab Boundary Force	721
476	U.K. High Commissioner in India to Cabinet Office IRKU 618	14	Refers to No. 461 and transmits text of Nehru's reply	724
477	Wylie to Mountbatten Tel. unnumbered	14	Lowering of Union Jack on Lucknow Residency	725
478	Cabinet India and Burma Committee Paper I.B. (47) 156	14	Note by Listowel circulating letter he has received from Lady Mountbatten	725
479	Listowel to Mountbatten Tel. 10633	14	Refers to No. 464; amendment of Section 93 in way desired by Pakistan Govt is of doubtful legality; correct course is for Pakistan Govt to seek such powers as they need from Pakistan Constituent Assembly	726
480	Listowel to Mountbatten Tel. 109	14	Transmits personal message	726
481	Cunningham to Mountbatten Letter	14	Encloses note on talks with Khan Sahib and Abdul Qaiyum and says there is no doubt that Jinnah will order dismissal of Ministry on 16–18 August	727
483	Listowel to Mountbatten Tel. 110	14	Transmits personal message from Attlee	731
484	Jenkins to Mountbatten Tel. 234-G	14	Most unsatisfactory situation in Lahore and Amritsar district; responsibility for attacks on two trains; reassignment of personnel completed	732
485	Mountbatten to Listowel Tel. 3408-S	14	States that crisis has arisen over awards of Boundary Commissions and submits brief outline of facts of case and action he has taken	732
486	Note by Auchinleck	15	Note on situation in Punjab Boundary Force Area for Joint Defence Council	734
487	Minutes of Meeting between Mountbatten and representatives of India and Pakistan	16	The Awards of the Boundary Commissions	737
488	Mountbatten to Listowel Letter	16	Question of applying Pensions (Increase) Act, 1947, to pensioners of Indian Services in U.K.; Nehru's request in relation to Peruvian Orders; Messervy's paper on problems facing Pakistan Army; memorandum on North-West Tribal Area and Afghanistan; Jinnah's press	740

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
488 (*cont.*)			statement on Frontier; need for new Govts to feel impact of events before they can shape their foreign policy; consultation about Frontier policy; communiqué on negotiations between Kalat and Pakistan; Ismay's statement to Joint Defence Council; Chiefs of Staff Mission; has asked Nehru's concurrence to attend Princess Elizabeth's wedding; Listowel's farewell telegram; strain on 'operational staff' during last few weeks; pays tribute to Abell and his 'gallant P.S.V. team'; honours for Viceroy's staff; expresses appreciation of work of India Office; Enclosures: Appendix I: award of Punjab Boundary Commission; Appendix II: award of Bengal Boundary Commission; Appendix III: report of Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam	
489	Viceroy's Personal Report No. 17	16	Crisis over Boundary Commission awards; summary of Auchinleck's account to Joint Defence Council of his visit to Punjab; arrangements for meeting with Rees; arrival of Cunningham and discussions on Khan Sahib Ministry; crisis concerning proposed Order vesting assets and liabilities; Tara Singh's reported involvement in terrorist plans and decision to defer arrests; latest figures for British personnel in Indian Army volunteering to stay on; Indian Air Force flag; Baldev Singh and Auchinleck; Partition Council has decided not to choose an independent Chairman; organisation of Cabinet Secretariat and its relations with Nehru's personal Secretariat; extraordinary behaviour of some of Rulers of Indian States; Jodhpur's flirtation with Jinnah and Patel's response; Baroda giving difficulty; private arrangement with Bhopal who has decided not to abdicate at present; Indore 'almost missed the bus'; accession of Dholpur; no outstanding States (taking extensions to Hyderabad and Bhopal into account) beyond Kashmir where Maharaja talks of holding a referendum; constitutional reforms in States and advice to Rewa; visit to Karachi on 13th to bid	757

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	Name and Number	Date	Main subject or subjects	Page
		August		
489 (*cont.*)			godspeed and farewell to Pakistan; meeting of Pakistan Cabinet; State banquet; address to Pakistan Constituent Assembly and State procession; midnight session of [India] Constituent Assembly; 15 August—'the most remarkable and inspiring day of my life'; the ceremonies and crowd scenes; Prasad's message and Nehru's toast to the King; party at Government House; meeting to discuss Boundary Commission awards and steps contemplated by new Govts; Nehru's message to British troops; last 'tail piece'; postscript: departure of British troops from Bombay; Enclosures: Appendix I; text of Mountbatten's address to India Constituent Assembly; Appendix II: text of Mountbatten's address to Pakistan Constituent Assembly	

CHAPTER 4

The States: Negotiations on Accession: 8 July to 15 August 1947

	Name and Number	Date	Main subject or subjects	Page
		1947 July		
1	Menon to Patrick Tel. 1823-G	8	Urges that no inkling be given that H.M.G. might be prepared to accord independent recognition to any State not joining one of new Dominions	1
2	Secretary to Crown Representative to Residents Tel. 1810-P	8	Refers to Vol. XI, No. 287; Residents to inform States that proposal for immediate accession of States on three central subjects will be included in agenda for States Department meeting later in the month	2
4	Kashmir to Mountbatten Letter	8	Refers to Vol. XI, No. 386; Kashmir Govt will not establish military links with either of Dominions or send representatives to a Constituent Assembly until it sees how situation develops; in view of risk of untoward incidents asks Viceroy to dissuade all political leaders including Gandhi from visiting Kashmir at this time; encloses letter, which Mountbatten may show to Gandhi, explaining the situation in Kashmir and why it will not be possible for Gandhi to meet Sheikh Abdullah	3

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
6	Record of Interview between Mountbatten and Nehru (extract)	8	Nehru complains about Sir C. P. Ramaswami Aiyer's 'insulting' remarks; indicates that Congress is now prepared to accept accession of States to Indian Dominion on basis of three subjects of Defence, External Affairs and Communications	6
9	Cripps to Rajagopalachari Letter	8	Refers to Vol. XI, No. 459; H.M.G. cannot go beyond new *proviso* to clause 7 of Bill without breaking faith with Princes	8
11	Record of Interview between Mountbatten and Monckton	8	Question of Hyderabad joining Dominion of India; in order to help in negotiation with Nizam, Mountbatten allows Monckton to hint that Nizam's second son might be granted title and rank of 'His Highness'	11
23	Patrick to Menon Tel. 8755	8	Refers to No. 1; confirms that H.M.G. will not include paragraphs concerning international position of States in Commons statement on States; given that it might not be possible to avoid statement during Lords debate, India Office would appreciate early information about forthcoming conference with States representatives	21
30	Mountbatten to Listowel Tel. 1850–S	9	Refers to Vol. XI, No. 559, para 2; encloses Corfield's views on problem of petty States in relation to lapse of paramountcy; Corfield feels apprehensions of Sir B. N. Rau are exaggerated	28
33	Hyderabad to Mountbatten Letter	9	Complains that clause 7 of Independence Bill has been discussed with British Indian leaders but not with himself or any of his representatives; protests about unilateral repudiation of Hyderabad's treaties with British Crown; says that he will negotiate with new Dominions in order to reach practical arrangements for transition period but adds that he still hopes that he will be allowed to retain direct relations with H.M.G. when British withdraw; retains right to publish letter should it be deemed necessary in the interests of his State	31
37	Minutes of Viceroy's Fifty Fifth Staff Meeting Item 2	9	No further action to be taken on suggestion to revise clause 7 of proviso to Independence Bill to include matters other than those contained therein; Viceroy has assured Congress leaders that	35

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	Name and Number	Date	Main subject or subjects	Page
		July		
37 (*cont.*)			he will now give priority to States problem; Congress leaders have accepted Viceroy's suggestions for conducting negotiations with States; in view of Nishtar's complaint, Congress leaders have agreed that he should have access to Secretary of States Department	
39	Listowel to Attlee Minute 118/47	9	Outlines agreement reached with Viceroy on what should be said in Commons debate concerning international position of States after 15 August; encloses note on States for use during debate	39
40	Christie to Abell Letter, para. 4	9	Refers to point raised by Nehru in Vol. XI, No. 535; India Committee are of opinion that no further amendment can be made to Bill	42
43	Record of Interview between Mountbatten and Gandhi	9	Gandhi urges that States should not be encouraged to declare independence; Mountbatten indicates the negotiations in view to ensure the States joining one Dominion or the other	50
58	Ramaswami Aiyar to Resident for Madras States Letter	10	Refers to Resident's letter following receipt of No. 2; explains that Travancore has decided to retain its independent status; relations to be established with new dominion(s) must therefore be subject of separate negotiations and agreements	76
61	Minutes of Viceroy's Nineteenth Miscellaneous Meeting	11	Meeting between Mountbatten and Hyderabad delegation on (1) Secunderabad Cantonments; (2) Railway Lands; (3) future of Berar; (4) Standstill Agreements; (5) adherence on the three central subjects; (6) adherence to the Legislative Assembly of India	79
62	Krishna Menon to Mountbatten Letter	11	Expresses thanks for sentiments expressed in No. 55; comments on other matters including States	89
65	Viceroy's Personal Report No. 12 paras. 26–34	11	Has persuaded Nehru and Patel to give him 'a fairly free hand' in negotiations with States; meeting with Hyderabad delegation; admits that he has not been able to 'grip this States problem before'	92
66	Viceroy's Conference Paper V.C.P. 125	11	Issue of Arms and Ammunition to States	100
75	States Dept to Residents Tel. 1–S	11	Refers to Vol. XI, No. 287 and No. 2 of this Vol.; transmits agenda for conference between States representatives and States Dept to be held in Delhi on 25 July and following days	111

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	Name and Number	Date	Main subject or subjects	Page
		July		
78	Mountbatten to Gandhi Letter	12	Refers to Enclosure to No. 4; Gandhi's proposed visit to Kashmir	114
82	Record of Interview between Mountbatten and Jinnah	12	Jinnah says Muslims throughout India would rise to defend oldest Muslim dynasty if Congress exerted pressure on Hyderabad; Jinnah agrees to Mountbatten calling a meeting with Khan of Kalat to suggest that he should join Pakistan	121
85	Mountbatten to Listowel Tel. 1920-P	12	Explains that conference between States Dept and representatives of States will take place on 25 July; first item on agenda will be three subject accession; States Dept consider it will assist negotiations if H.M.G. make it clear that States must come to arrangements with appropriate Dominion	126
87	Extract from India News	13	In statement on Kashmir situation Jinnah says that States are free to join either Assembly or to remain independent and calls upon Kashmir Govt to release Muslim Conference Leaders in Kashmir	128
93	Resident for Madras States to Secretary to Crown Representative Tel. 58-P	13	Travancore Govt do not intend to accede to either Dominion and feel there is no point in sending representatives to meeting on 25 July but are ready to negotiate with Dominions on all other matters	138
100	Mountbatten to Bhopal Letter	14	Urges Bhopal to accept three subject accession and not to say 'No' without a further talk	144
104	Menon to Ramaswami Aiyar Letter	14	Refers to No. 58; outlines background to establishment of States Dept and three subject accession; explains why Mountbatten is anxious that negotiations with representatives of States should take place before 15 August; earnestly requests him not to take any precipitate decision	148
105	Record of Interview between Mountbatten and Mitter and Jodhpur (extract)	14	Mitter and Jodhpur express delight at setting up of States Department and are optimistic about outcome of future discussions; Mitter feels that so long as Congress demands accession on three central subjects only most States will voluntarily surrender a number of other subjects to Dominion Central Govt	150
106	Cabinet India and Burma Committee Paper I.B.(47)139	14	Memorandum by Listowel on Travancore's claim for Independence	151
115	Trivedi to Mountbatten Report 4 (extract)	15	Standstill Arrangements with States; princes of Orissa States will find	169

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	Name and Number	Date	Main subject or subjects	Page
		July		
115 (*cont.*)			themselves in trouble unless they reform their administrations	
118	Chiefs of Staff Committee Joint Planning Staff J.P. (47)89 (Final)	15	Question of provision of British aircraft and personnel for a Hyderabad State Air Force	174
123	Listowel to Mountbatten Tel. 9109	15	Refers to Vol. XI, No. 559 and No. 30 of this Vol.; agrees with Political Adviser that Rau's fears are exaggerated and that amendment of existing proviso to Clause 7(1) is undesirable; reports points raised by Krishna Menon concerning States during interview with Prime Minister	180
129	Gandhi to Mountbatten Letter	16	Conveys his decision, reached after long talk with Nehru, to go to Kashmir 'as a private visitor'	187
141	Menon to Patrick Tel. 5577	16	Reactions of representatives of States with whom informal talks have been held on three subject accession have been favourable; draft Instrument of Accession has been prepared and handed over to representatives of certain major States	199
146	Statement by Ramaswami Aiyar	un-dated	Travancore will become an independent country from 15 August but will try its utmost to work in cooperation with rest of India on matters of common concern	202
149	Mountbatten to Gandhi Letter 2954	17	Refers to No. 129; suggests that it would be courteous and wise if Gandhi and Nehru have talk with Kak before deciding on precise date and details of visit to Kashmir	211
150	Mountbatten to Nishtar Letter 1446/32	17	Problem of consultation in matters relating to States has now been solved by splitting up of Govt and Pakistan members will be able to create own States Dept; explains purpose of recent conference with representatives of Hyderabad; expresses willingness to tackle question of practical settlement between Kalat and future Dominion of Pakistan	212
151	Menon to Scott Letter	17	Encloses brief on States with which Dominion of Pakistan is concerned for Mountbatten's use in his talk with Nishtar	213
152	Attlee to Nehru Letter	17	Explains why suggested amendment to clause in Bill about States which he has discussed with Krishna Menon could not be accepted; expresses, *inter alia*, admiration for courage and statesmanship of Nehru and Patel	214

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	Name and Number	Date	Main subject or subjects	Page
		July		
154	Cripps to Ramaswami Aiyar Letter	17	Refers to his [Cripps'] speech about States at third reading of Bill and expresses his conviction that India must not be split up further as an international personality	216
159	Record of Interview between Mountbatten and Nishtar and Akhtar Hussain	18	Pakistan policy on accession of States; Nishtar asks that at forthcoming meeting with States there should be separate representation for those States included in groups of which majority want to join Indian Union but do not wish to join themselves; question of tariffs in Instrument of Accession; Pakistan Govt will claim to succeed to treaty obligations and rights of H.M.G. in regard to Kalat; meeting with Kalat delegation	221
160	Bhopal to Mountbatten Letter	18	Encloses his reply to the Govt's invitation to attend conference with representatives of States on 25 July	222
163	Cabinet India and Burma Committee Paper I.B. (47) 143	18	Memorandum by Wilmot on Travancore; H.M.G. should, within limits of general policy, avoid action which would give dominions leverage in combating Travancore's claim for independence as this will strengthen Dewan's bargaining position in discussion with H.M.G. on monazite agreement	232
166	Listowel to Mountbatten Letter, para. 14	18	Need to avoid statement giving Travancore leverage in asserting its independence or economic autonomy and discussions with representatives of Hyderabad	250
167	Krishna Menon to Mountbatten Letter	18	Discussion with Attlee, Law Officers and Henderson about States; Listowel, Henderson and Cripps to do what they could in speeches to indicate that H.M.G. would not welcome Balkanisation or Dominion Status for Princes	255
174	Minutes of Viceroy's Twentieth Miscellaneous Meeting	19	Meeting between Mountbatten and Kalat delegation on (1) undisputed areas of Kalat; (2) disputed areas; (3) the legal position of Kalat; (4) the leased areas; (5) the future of Kalat as a whole	262
175	Rumbold to Davies Letter POL. 11112/47	19	Trade between Ceylon and Travancore; attempts by Dewan of Travancore to get trade discussions going on a govt to govt basis should be resisted	265
176	Listowel to Mountbatten Tel. 9298	19	Hyderabad Trade Commissioner in London has approached French Embassy in London and proposed establishment in Paris of Hyderabad Diplomatic	266

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	Name and Number	Date	Main subject or subjects	Page
		July		
176 (*cont.*)			Mission after 15 August to cover whole of Europe	
179	Mountbatten to Listowel Tel. 2051-S	19	Outstanding indents for supply of arms and ammunition to States have been suspended by Defence Member; though action is based on Cabinet Standstill Order, believes it is also a political one related to attempt to persuade States to federate with Indian Dominion; any attempt to amend Standstill Order will be regarded as deliberate sabotage of accession negotiations with States; doubts if he can secure actual delivery of arms before 15 August and proposes to keep matter pending for moment	268
185	Menon to Abell Letter	20	Refers to Nos. 104 and 58; Union Constitution Committee of Constituent Assembly has proposed to divert to Union Centre revenues from customs, import and export duties; Sir C. P.'s objection to accession is that Travancore, as a maritime State, would be reduced to a fifth-rate State; has explained to Sir C. P. that States are to be asked to accede on three central subjects only and that Mountbatten's plan has nothing to do with new constitution; has also reiterated arguments in favour of accession; suggests that when Mountbatten meets Sir C. P. he should tie him down on question of accession only; he should also play on danger of communist menace and emphasise that accession of Travancore will be hailed throughout India as great act of statesmanship; exercise of federal authority by State officers is not unreasonable for major States and if matter is raised Mountbatten could say this is a matter which can be adjusted by negotiation	274
186	Nishtar to Mountbatten Letter	20	Suggests that members of Congress and League who normally attend Partition Council should attend conference with representatives of States on 25 July as representatives of two future Dominions; in their absence discussion may not prove fruitful because occasions may arise when an authoritative declaration on behalf of Dominion concerned becomes necessary; refers to No. 195 and reiterates that there should be separate	276

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	Name and Number	Date	Main subject or subjects	Page
		July		
186 (*cont.*)			representation for those States which have not joined Indian Constituent Assembly	
192	Record of Interview between Symon and Ramaswami Aiyar (extract)	21	Sir C. P. complains about lack of consideration and time given to States by H.M.G.; states that Travancore has no quarrel with India or Pakistan but wishes to be left alone; is convinced that civil war is more or less inevitable; is determined to reject proposal to enter Indian Union at forthcoming meeting with Mountbatten; is concerned about threats of economic boycott and has entered into agreement with Jinnah for supply of foodstuffs from Pakistan; arrangements to import from other sources if Indian boycott extends to steel, cement etc; agreement has been reached to exchange representatives with Pakistan and representatives will be sent to other countries, for example Turkey; hopes that ultimately H.M.G. will extend recognition and that trading arrangements between Travancore and U.K. will be continued	281
201	Bhopal to Mountbatten Letter	22	Explains, at great length, why he will not join the Indian Dominion; seeks clarification on the financial implications for Bhopal of the three subject accession and asks whether there will be a common defence agreement between Hindustan and Pakistan in the event of foreign aggression	291
202	Corfield to Mountbatten Letter	22	Farewell letter in which he says he has spoken to Sir C. P. but was unable to shake his firm determination; Sir C. P. seems in no way attracted to possible Dominion Status at price of immediate accession	298
203	Mountbatten to Travancore Letter	22	Expresses admiration for manner in which Sir C. P. has conducted negotiations on behalf of Travancore; explains advantages of three subject accession and states that he will be in a position to negotiate that there should be no interference with customs, tariffs or internal financial arrangements if Travancore accedes on three central subjects	298
213	Mountbatten to Listowel Tel. 2900-S	23	Representation from certain States claiming from H.M.G. either return of ceded territories or cash compensation; in view of Section 2 of Independence Act return of	308

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	Name and Number	Date	Main subject or subjects	Page
		July		
213 (*cont.*)			ceded territory is out of question; on alternative of cash compensation Political Dept feel that successor Dominion Govt might entertain these claims on principle that it will inherit both assets and liabilities of its predecessor; States Dept point out that all obligations of His Majesty are extinguished as from 15 August; Dominion Govt will resist States' claims on this unassailable legal basis after 15 August; discusses H.M.G's position and seeks agreement for view that it is not practicable to do anything before 15 August	
217	Mountbatten to Nishtar Letter 592/89	24	Refers to No. 186; explains that his intention is to meet representatives of States separately in his capacity as Crown Representative and that Patel will not be present at conference; may put States' representatives in touch with Nishtar and Patel, and if necessary with Partition Council, if he is unable to obtain agreement on terms which two States Depts want; explains that representation of States at conference will not be based on grouping for purposes of Constituent Assembly	312
218	Subbarayan to Attlee Letter	24	Discusses States' problem and trusts that British Govt will do what it can to help without coercing States	313
228	Viceroy's Personal Report No. 14 paras. 15–26	25	Meeting with Kalat delegation; meetings with Sir C. P. Ramaswami Aiyar; has told Hyderabad delegation that Nizam must accede and has co-ordinated plan of campaign with Monckton to bring Nizam in; importance of Hyderabad and Travancore in determining attitude of other States; honorary military ranks and military decorations for Rulers; offer of three subject accession is tremendous advance for States; question of Congress agreement to terms of accession for States; Jinnah will offer States Treaties of Accession on same lines but insists on dealing with each State separately	333
231	Listowel to Mountbatten Letter, para. 8	25	U.S. State Dept attitude towards States and attitude of French Govt in regard to Hyderabad	341
232	Cabinet India and Burma Committee Paper I.B. (47)146	25	Memorandum by Listowel on Hyderabad	344

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	Name and Number	Date	Main subject or subjects	Page
		July		
234	Press Communiqué of Mountbatten's Address to Conference of Rulers and representatives of Indian States	25	Mountbatten explains why he had to deal with British Indian problem first; Independence Act releases States from obligations to Crown but chaos will result and States will be hurt unless arrangements are made to replace co-ordinated administration on matters of common concern; explains establishment of States Depts; States are free to join either Dominion but must take account of geographical considerations; clause in Act continuing essential agreements gives breathing space but does not replace need for standstill agreements; Patel's Statement; explains advantages of three subject accession; accession will not involve financial liability or loss of internal autonomy; G. of I. has yet to be persuaded to accept scheme and time is short; States cannot run away from neighbouring Dominion; proposes committee for consideration of items on agenda and trusts other representatives will remain in daily contact with it	347
237	Mountbatten to Attlee Letter	25	Negotiations with States and meeting in Chamber of Princes	353
239	Bhopal to Mountbatten Letter	26	Has read in press that his name has been included on a Committee formed to discuss terms of Accession and standstill arrangements; explains that his State is not prepared to accept federation but will accept standstill arrangements on basis of equality of status and reciprocity in matters of common concern; asks Mountbatten to arrange separate negotiations for Bhopal or failing that to form a separate Committee of those States who have not yet joined Constituent Assembly; recent cowardly attempt on Sir C. P.'s life cannot help in bringing about an understanding between Congress and States	355
240	Note by Ali Yawar Jung	26	Gives background to Hyderabad delegation's participation in, and the purpose of their questions at, conference with representatives of States on 25 July	356
241	Chhatari to Mountbatten Letter	26	Expresses thanks for nomination as Hyderabad representative on Negotiating Committee but explains that he cannot participate because Hyderabad would like to negotiate standstill agreements separately or with States which have	359

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	Name and Number	Date	Main subject or subjects	Page
		July		
241 (*cont.*)			joined Constituent Assembly; assures Mountbatten that Hyderabad will co-operate with rest of India in avoiding administrative breakdown after 15 August	
242	Menon to Abell Letter D2586	26	Refers to letter from Maharaja of Dholpur in which latter suggests that separate Negotiating Committee should be appointed consisting of Rulers who do not wish to execute Instrument of Accession but who are ready to enter into a treaty with Indian Union on matters of common concern; explains that there can be no question of two Committees based on participation or non-participation of States in Constituent Assembly; Indian Dominion cannot contemplate separate treaty relations with individual States and will negotiate only upon basis of three subject accession; regrets that Rulers have not been given more time to consider these important issues; time-table is governed by date for transfer of power and as most other States have come to decision about Instrument of Accession it should not be difficult for Dholpur to do so; Griffin concurs in these remarks	360
244	Menon to Symon Letter	26	Trusts that sentiments of G. of I. will be respected in matter of U.K. High Commission in India appointing Political Officers; G. of I. will feel embarrassed if they use their influence or establish direct relations with any Indian State	363
249	Nehru to Mountbatten Letter	27	Kashmir; states that Mountbatten's visit was not a success, that Kashmir has become a 'first priority' for him and that he has decided to visit the State as a private individual about 4 August and to stay there four or five days	368
255	Gandhi to Mountbatten Letter	28	Explains that as Nehru has decided to visit Kashmir he is free to go to Bihar and then Noakhali after spending two days in Punjab; will see Mountbatten if latter so desires before leaving Delhi	373
256	Minutes of Viceroy's Sixty Fifth Staff Meeting Item 4	28	The States; Hyderabad, Travancore and Indore	373
257	Monckton to Mountbatten Letter	28	Has had talks with Nizam who has made up his mind not to accede to Indian Dominion; not even visit from Mountbatten will modify his attitude and Muslims in Hyderabad would revolt if he	377

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	Name and Number	Date	Main subject or subjects	Page
		July		
257 (*cont.*)			acceded now; believes that Nizam would be prepared to offer by treaty all that is reasonable but explains that he cannot commit him to this; is under pressure from local Ittehad and 'our mutual friend' from Delhi; association of Hyderabad with Indian Dominion is inevitable but can not be rushed	
258	Record of Interview between Mountbatten and Khan of Kalat	28	Kalat expresses delight that Jinnah has got Pakistan; thanks Mountbatten for obtaining recognition of Pakistan Govt that Kalat is an independent State in treaty relations with British Govt; leased territories are main bone of contention and Mountbatten gives his opinion that Pakistan Govt will inherit leases; Mountbatten points out that British and Indian Govts have sunk a lot of money in Quetta and Wazirabad; Mountbatten welcomes suggestion that he should see Kalat with Jinnah to discuss their draft treaty and agreement; Kalat is anxious that Jinnah should not import a Pathan A.G.G. into Baluchistan and says that if Prior leaves he should be replaced by a Britisher if Jinnah wants peace	378
259	Mountbatten to Gandhi Letter	28	Refers to No. 255; explains that Kak has told him that the risk of violence will be reduced if Gandhi visits Kashmir instead of Nehru; urges that he should impress this upon Nehru and says he does not know how future Prime Minister of India can be spared from Delhi with only eighteen days left before he takes over power	379
260	Mountbatten to Resident at Kashmir Tel. 2989–S	28	Instructs Resident to inform Maharaja that Kak has succeeded in dissuading Gandhi from visiting Kashmir with result that Nehru intends to visit State on 4 August as private individual with object of meeting friends and, if permission is granted, Sheikh Abdulla; Mountbatten will make one more effort to stop Nehru; holds Kak responsible for visit; Maharaja should be urged to declare accession to one of Dominions before Nehru's arrival and should ensure that latter is decently treated	380
262	Minutes by Rumbold, Patrick and Henderson	28/9	Question of response to points made in Mountbatten's speech (No. 234) to representatives of States which seem to be	382

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		July		
262 (*cont.*)			inconsistent with what was said on this subject in Parliament	
263	Minutes by India Office	28/9	Status of Kalat; Mountbatten and Pakistan representatives are wrong in accepting Kalat's claim to be regarded as separate international entity (No. 174); question of informing Mountbatten	385
264	Resident at Hyderabad to Griffin Letter D.O. No. 84–R	28	Hyderabad Affairs: Annexure Minutes on report	387
265	Mountbatten to Dholpur Letter 592/89	29	Refers to letter from Dholpur which is discussed in No. 242; says that most of points have been covered verbally or by actual events and that he is in touch with representatives of all points of view from States; explains why accession is necessary by 14 August and says he will be grieved along with King if Dholpur refuses	391
266	Mountbatten to Indore Letter	29	Expresses disappointment that he did not have benefit of Indore's counsel during discussions with States' representatives; explains that there is still time to make up for this and sends invitation to Indore through rulers of Baroda, Gwalior and Kolhapur to visit Delhi for frank talk	393
269	Record of Interview between Mountbatten, Gandhi, Nehru and Patel	29	Mountbatten explains why Nehru should not visit Kashmir; Gandhi agrees and volunteers to go instead; Patel considers that neither should go but that visit by Gandhi 'would be the lesser evil'; Nehru defends his visit but accepts Gandhi's offer; agreement that Gandhi should leave on following night	397
271	Griffin to Abell Letter D.O. No. F63–R (S)/46	29	Patiala's request for return of records of interest to States in Political Dept; in view of agreements reached at meeting with party leaders on 13 June it is not possible to transfer records to States; Patiala is wrong to speak of records being returned to States since no one has taken records from them; States have no more right to Political Dept records than Political Dept has to records of States	400
275	Listowel to Attlee Minute 134/47	29	Refers to Mountbatten's speech at No. 234; two points in speech seem to be inconsistent with what was said on subject of States in Parliament and it is desirable to draw Mountbatten's attention to them so that he may avoid emphasising them in subsequent discussions with States' representatives	403

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	Name and Number	Date	Main subject or subjects	Page
		July		
277	Mountbatten to Resident at Kashmir Tel. 3020-S	29	Instructs Resident to inform Maharaja that with greatest difficulty he has persuaded Nehru to stand down in favour of Gandhi; latter will arrive Srinagar on 1 August and stay with friends privately; Mountbatten feels visit will not give rise to trouble if properly handled and asks Resident to submit brief daily reports	405
280	Resident at Kashmir to Abell Tel. 73	29	Has conveyed Mountbatten's message in No. 260; Maharaja says visit of either Gandhi or Nehru not only inadvisable but dangerous; Kashmir Govt will do best to prevent untoward incidents but are not prepared to give guarantee in this respect; Maharaja says no decision has been reached as yet regarding accession to a Dominion	410
281	Symon to Menon Letter	30	Refers to No. 244; explains circumstances in which U.K. High Commission has arranged to employ three ex-Political Dept officers and conveys High Commissioner's assurance that there is no intention to use officers to influence Indian States or to maintain direct relations with them; High Commissioner and staff will continue to respect sentiments of G. of I.	411
282	Menon to Symon Letter	30	Refers to No. 281; has shown letter to Patel who is satisfied with assurance given in para. 6	412
284	Travancore to Mountbatten Letter	30	Refers to contents of No. 203 and to Sir C. P.'s discussions with Mountbatten; upon basis of latter's assurances has decided, though not without hesitation, to accede to Indian Dominion subject to conditions stated in Mountbatten's letter; mentions that States have been given option to reconsider position when final constitution of Dominion is formulated	414
285	Abell to Patiala Letter 1299/2	30	Question of Political Dept records; explains that he has been asked by Mountbatten to inform Patiala that Residents have been instructed to transfer to individual States Residency records of administrative value; understands that Resident for Punjab States is transferring a number of such records to Patiala Govt	414
288	Resident for Madras States to Abell Tel. 73-P	30	Transmits message for Mountbatten from Sir C. P.; direct action and civil disobedience threatened by State Congress	421

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	Name and Number	Date	Main subject or subjects	Page
288 (*cont.*)		*July*	as from 1 August; in view of Travancore's accession, such action should be discountenanced	
293	Listowel to Mountbatten Tel. 9857	30	Asks whether it is proposed that Pakwasa should be appointed Governor of Central Provinces and Berar; explains that Berar Agreement of 1936, under which Governor is appointed by King after consultation with Nizam, will lapse on 15 August; suggests that Nizam be urgently consulted and says that pending reply Pakwasa's name will not be submitted to King	431
295	Indore to Mountbatten Letter	31	Refers to No. 266; regrets that his absence from discussions on matters of common concern has caused disappointment but explains that he did not attend because he felt States had free hand in deciding their future and that those not wishing to join one of Dominions should continue connection with British on basis of separate Dominion status; will visit Delhi and trusts Mountbatten will agree to meet him with Nawab of Bhopal	434
296	Chhatari to Mountbatten Letter	31	Refers to No. 241, note 1; Hyderabad delegation feels no useful purpose would be served by his presence on Negotiating Committee; suggests appointment of second Negotiating Committee for States which have kept out of Constituent Assembly	435
297	Mountbatten to Bhopal Letter	31	Refers to No. 201; explains that he speaks as a friend and not as Viceroy still less as future Governor-General of India; statement by Patel should be taken by Princes as official policy of Indian Dominion towards States; communist danger can be averted only if States and Indian Dominion stand together; accession involves no financial commitment on part of States; States will get a second chance as regards accession when constitution is framed; draft Instrument secures freedom from interference in internal affairs; reiterates that Princes cannot run away from Dominions or from responsibility for welfare of their subjects; trusts that Bhopal will not regard his advice as intimidation or pleading; adds postscript referring to No. 239; outlines	436

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	Name and Number	Date	Main subject or subjects	Page
		July		
297 (*cont.*)			negotiations with Travancore and expresses regret at attempt on Sir C. P.'s life; accepts Bhopal's offer to talk things over	
		August		
302	Viceroy's Personal Report No. 15 paras. 25–33, 43–53, postscript	1	Nehru's desire to visit Kashmir and decision, after meeting with Gandhi, Nehru and Patel, that Gandhi should go instead; Mountbatten's address to Chamber of Princes; attempt on Sir C. P.'s life and accession of Travancore; Monckton's difficulties in Hyderabad; attempts to persuade Dholpur to accede; negotiations with, and behaviour of, Indore; correspondence with Bhopal whose extraordinary attitude is making his position more difficult; luncheon party for Rulers and announcement of accessions; impending arrival of Indore and Bhopal	443
303	Khan of Kalat to Mountbatten Letter	1	Refers to No. 258 and to subsequent meetings with representatives of Pakistan as a result of which 'we are where we were before I arrived here'; regrets that Pakistan authorities are in no mood to admit his right to retrocession of territories or to surrender possession of any of them to him; sees no point in staying on and requests further interview before returning home	456
307	Listowel to Mountbatten Tel. 9947	1	Refers to No. 234; Mountbatten is right to urge States to accept Patel's offer of federation but care must be taken not to add to pressure on States; expresses reservations about statements in No. 234 to effect that States will cut themselves off from supplies of arms and weapons if they do not link up with one of Dominions and that they must accede before 15 August; explains how H.M.G. propose to reply if asked in Parliament whether No. 234 implies a departure from policy regarding States; asks if Mountbatten has any comments	459
313	Menon to Patrick Letter	2	Explains that a number of States have expressed a desire to accede; first 'bag' of States to accede is encouraging and fact that Travancore was practically the first is a 'great triumph' for Mountbatten; is certain that with exception of Hyderabad, Bhopal, Indore and 'one or two waverers', all States will accede;	467

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	Name and Number	Date August	Main subject or subjects	Page
313 (*cont.*)			Enclosures: (1) Instrument of Accession; (2) Communiqué (3) Standstill Agreement	
317	Listowel to Mountbatten Letter, paras. 6–9	2	Mountbatten's meeting with Kalat delegation and his talks with Dewan of Travancore and Hyderabad Delegation; reiterates reservations about some of Mountbatten's comments in No. 234 and expresses view that if it is impossible to secure accession of key States before 15 August, H.M.G. will be satisfied if these and rest agree to be represented internationally by appropriate Dominion; Pakistan has simpler problem in dealing with smaller number of States; Kashmir's terms for accession to Pakistan	479
325	Bhopal to Mountbatten Letter	3	Expresses gratitude for references in No. 297; trusts that Patel will respond genuinely if he extends a hand of friendship to him; will meet Mountbatten with Indore tomorrow and later, he hopes, alone	491
329	Notes of Meeting between Mountbatten, Chhatari, Monckton and, for part of the time, Menon	3	Indian Army Troops in Secunderabad; Berar; Menon asserts that States Dept will accept standstill agreements only with acceding States; Monckton urges that Nizam ought not to be rushed or coerced; Mountbatten says he will try to secure extension from Congress; Monckton says that Nizam might decide to make satisfactory offer by treaty but Menon is emphatic that any treaty would be unacceptable; Mountbatten emphasises that if Nizam does not join Dominion, Hyderabad will be ruined and he will lose his throne; Menon, during Mountbatten's absence, elaborates on prospects if Hyderabad does not come in; Monckton's conclusions	495
330	Minutes of Viceroy's Twenty Fifth Miscellaneous Meeting	4	Meeting between Mountbatten and Kalat Delegation; Jinnah's attitude; need for decision on legal position whether or not Pakistan will inherit treaties with Kalat; need for Standstill Agreement and understanding on Defence, External Affairs and Communications; statement by Crown Representative recognising Kalat's independent status is not possible; draft communiqué outlining present stage of negotiations agreed to in principle by Kalat Delegation and also by Jinnah and Liaquat who enter at end	498

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	Name and Number	Date	Main subject or subjects	Page
		August		
335	Record of Interview between Mountbatten and Bhopal and Indore	4	Mountbatten explains that he has recently devoted a major part of his time to his duties as Crown Representative of looking after interests of States and says that Indore is only State which has failed to respond; denies that his letter at No. 266 represents a threat and resents this 'deliberate misrepresentation'; challenges Indore on his failure to reply to invitation to attend discussions in Delhi and considers that behaviour of Indore should be 'recorded'; explains why he has 'gone to battle' on behalf of States and says that with Patel he is being attacked as 'Pro-Prince'; emphasises why it is in the interests of the States to accede before 15 August	505
340	Mountbatten to Listowel Tel. 3161-S	4	Refers to Nos. 307 and 313 with Enclosures; explains that States have seen whole picture and that with exceptions of Hyderabad, Indore, Bhopal and Dholpur, all States will join Indian Dominion before 15 August; says that Listowel has misunderstood purport of speech at No. 234 and that there is no question of applying pressure on States; is trying to make States see advantages of present offer and is under no illusion as to what will happen to them if they stand out after 15 August; explains that there has been press criticism that Instrument of Accession is weighted in favour of States and expresses conviction that these terms would not have been offered had he not taken a hand in the matter; is trying to create an integrated India which will secure stability and ensure friendship with Britain and is confident of success if he is allowed a free hand; warns of serious consequences if H.M.G. supply arms and ammunition to non-acceding maritime States; cannot subscribe to suggested reply to Parliamentary question	529
351	Jinnah to Ismay Letter	5	Refers to No. 330, note 7 and proposes amendments to draft communiqué on negotiations between Pakistan and Kalat	544
356	Indore to Nehru Letter	6	Explains that States have yet to see Pakistan's terms for an Instrument of Accession and that it is only fair that they see Pakistan's attitude first before	554

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	Name and Number	Date	Main subject or subjects	Page
		August		
356 (*cont.*)			reaching a decision about entering Constituent Assembly; maintains that it is equally important that States should be aware of joint policy between two Dominions on defence and foreign relations; suggests that States should enter into Standstill Agreements until such time as constitutions of new Dominions emerge; denies that he is being obstructionist and requests a written assurance from Nehru and Patel to clear way for co-operation on lines suggested; suggests that Patel should write a similar letter to Bhopal	
360	Khan of Kalat to Ismay Letter	6	Expresses his surprise at, and explains his objections to, Jinnah's comments (No. 351) on draft communiqué; insists that existing treaty with British Govt has little to do with Pakistan and that future relations between Kalat and Pakistan will be governed by a separate treaty; requests that there should be no mention of treaties in communiqué and trusts that Jinnah will agree	558
366	Bhopal to Mountbatten Letter	7	Expresses gratitude for personal trouble Mountbatten has taken with his affairs; appreciates that it is difficult for Patel to make alterations in Bhopal's Instrument of Accession; is anxious to await decision of Kashmir and Hyderabad before taking final decision	562
369	Minutes of Viceroy's Sixty Eighth Staff Meeting Items 6 and 8	7	(6) Bhopal; (8) Hyderabad	566
372	Political Agent, Jaipur to Secretary to Crown Representative Tel. 1133/2	7	Reports on disturbances in Alwar	571
375	Mountbatten to Jinnah Letter	8	Explains that he is 'exercised' that no agreement has been reached about terms of Pakistan-Kalat communiqué and hopes that Jinnah will accept Ismay's suggestions; Enclosures: (1) letter from Ismay to Jinnah explaining amendments to communiqué; (2) Notification to be issued on 15 August 1947 by the Head of the Baluchistan Administration	573
376	Hyderabad to Mountbatten Letter	8	Explains that he will not be able to contemplate organic union with either Dominion until he has more information about how they intend to co-operate on	575

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	Name and Number	Date	Main subject or subjects	Page
		August		
376 (*cont.*)			matters of common concern; refers to recognition of difficulties confronting States such as Hyderabad in parliamentary debates on Independence Bill; explains that he is prepared to enter into a treaty with Indian Dominion and states conditions; records his astonishment that Indian Dominion has refused to negotiate on Standstill Agreements and Berar unless Hyderabad agrees to accede and regards refusal as coercion and pressure; explains that he will deem it necessary to publish letter should Indian Dominion prove unwilling to enter into treaty negotiations	
380	Cabinet Office to U.K. High Commissioner, New Delhi UKRI 540	8	Transmits text of Foreign Office circular which explains that H.M.G. are not prepared to define their attitude towards Indian States which claim independence and maintains that it would be unfortunate if any other Power gave such recognition at this stage to any State	581
383	Mountbatten to Listowel Letter	8	Refers to Nos. 307 and 340; explains considerations which have influenced his policy towards States; concludes it is States that stand to lose if they do not come under one or other Dominion by 15 August, regard being had to 'the explosive situation' within them	584
384	Mountbatten to Listowel Letter, paras. 1–5, 8	8	Kalat; cession of Darjeeling; speech to Chamber of Princes; invitations to some Princes to attend Princess Elizabeth's wedding	588
385	Viceroy's Personal Report No. 16 paras. 2–19, 30, 58–60	8	Meeting with Khan of Kalat; League pressure on States with Muslim rulers who are geographically linked with Indian Dominion; Rampur; Bhopal's threat to abdicate; interview with Indore; extended date for Hyderabad; Gandhi's visit to Kashmir; honours for Princes; Jinnah's offer to Jodhpur and intrigues of Bhopal	590
388	Hyderabad to Monckton Letter	9	Explains why he considers it essential to publish No. 376 by 12 or 13 August at latest	610
389	Minutes of Viceroy's Sixty Ninth Staff Meeting Item 3	9	Hyderabad	610
390	Monckton to Churchill, Salisbury, Eden and Butler Letter (not delivered)	9	Explains why Nizam cannot accede to Indian Dominion and expresses apprehension that Congress Govt	613

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	Name and Number	Date	Main subject or subjects	Page
		August		
390 (*cont.*)			will treat this as a 'hostile act' and will apply 'all-out economic sanctions' against Hyderabad on and after 15 August	
396	Jinnah to Mountbatten Letter	9	Refers to No. 375; has accepted draft agreement between Pakistan and Kalat and communiqué may now be issued accordingly	620
401	Listowel to Mountbatten Letter	9	Refers to Nos. 340 and 307; expresses admiration for Mountbatten's handling of States; had not seen draft Instrument of Accession and agrees that it was right to advise States to accede by 15 August; explains that it is not the intention to supply arms from U.K. to States without consulting Dominions	628
402	Listowel to Mountbatten Letter, paras. 9–14, 27, 29–30	9	Honours for Princes; Nehru's urge to visit Kashmir; Mountbatten's first and last contact with Chamber of Princes; problem of Hyderabad	629
411	Baroda to Mountbatten Letter	10	Returns signed copies of Instrument of Accession and requests assurances from Mountbatten that Baroda's accession will be subject to limitations as indicated and that there will be no financial liability on acceding States	643
413	Bikaner to Mountbatten Letter	10	Thanks Mountbatten for action he has taken in regard to protection of interests of States in matter of their agreements with British India	645
415	Resident at Hyderabad to Secretary to Crown Representative Tel. 87/P	10	Hyderabad State Forces and State Police have yet to receive ammunition for which they have forwarded indents; considers Hyderabad Govt's apprehension of widespread disorder in State to be well founded and is passing on present indent to Secunderabad Sub-Area for compliance	646
419	Record of Interview between Monckton and Ismay	10	Monckton explains that Congress refusal to negotiate unless Hyderabad agrees to accede has made position intolerable	648
420	Record of Interview between Monckton and Mountbatten	10	Mountbatten gives assurance that he will not be party to any improper pressure on Hyderabad; continuation of *status quo* in Berar and of existing administrative arrangements; Mountbatten proposes to refer to 'special problems' of Hyderabad in his broadcast	649
421	Monckton to Hyderabad Tel.	10	Refers to No. 376; suggests no publicity for letters until he has had further interview with Mountbatten	650
424	Kolhapur to Mountbatten Letter D.O. No. H-4 (2)/47	11	Confirms Kolhapur's accession to Indian Dominion; suggests that Mountbatten	653

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	Name and Number	Date	Main subject or subjects	Page
		August		
424 (*cont.*)			should make a statement confirming that there will be no financial obligations for acceding States	
426	Memorandum by Mountbatten	11	Record of interview with Bhopal; question of Mountbatten's reply to Bhopal's letters dealing with extension of time-limit and his possible abdication; Bhopal's version of his discussions with Jodhpur and Jinnah and subsequent developments	659
434	Record of Interview between Monckton and Mountbatten	11	Monckton says he will 'go in' for Dominion Government beginning with Mountbatten if attempt is made to blockade Hyderabad; Mountbatten reiterates that he will never be party to improper pressure or coercion and outlines what he proposes to say in his speech on 15 August and in his reply to Nizam; Monckton considers Mountbatten's behaviour 'more sympathetic' as compared with previous interviews	669
435	Mountbatten to Bhopal Letter	11	Explains that Patel cannot himself grant extension to Bhopal; advises Bhopal (1) to sign Instrument of Accession and Standstill Agreement and give them to Mountbatten to keep until he (Bhopal) has made up his mind; (2) to defer abdication, if he decides to do this, until October; Enclosure: official letter to be published in event of Bhopal deciding to abdicate on or about 15 August	671
440	Mountbatten to Hyderabad Letter	12	Refers to No. 376; explains that he has secured extension of two months for negotiations with Hyderabad; gives assurance that Dominion of India are agreeable to continuance of *status quo* in Berar and to continuance of existing administrative arrangements; is satisfied that leaders of new Dominion have no intention of applying pressure	679
442	Wylie to Mountbatten Letter U.P.–91	12	Gives background to Corfield's appointment as Political Adviser; admires Mountbatten's 'realistic approach' to States problem and indicates his own	681
456	Resident at Kashmir to Abell Tel. 86	13	Gives background to Kak's resignation and says that Kashmir is not likely to join either Dominion at present as to do so would result in serious trouble	696
458	Listowel to Mountbatten Tel. 10502	13	Refers to No. 213; agrees with Mountbatten's view but suggests that it	699

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	Name and Number	*Date*	*Main subject or subjects*	*Page*
		August		
458 (*cont.*)			should be put on record with States Dept that H.M.G. consider that Dominion of India should take cession of territory into account when negotiating final financial settlement with States	
463	Mountbatten to Listowel Tel. 3384–S	13	Refers to No. 11, note 4; requests immediate submission to King recommending that second son of Nizam be given title of 'His Highness'	706
474	Hyderabad to Mountbatten Letter	14	Acknowledges No. 440; reiterates that he is not prepared to execute an Instrument of Accession but shares Mountbatten's wish to find a satisfactory solution	721
475	Griffin to Shone Letter 467/47/R/4	14	Explains position regarding Crown Representative records	722
482	Bhopal to Mountbatten Letter	14	Refers to No. 435; accepts Mountbatten's advice and forwards a sealed envelope containing, *inter alia*, his Instrument of Accession and Standstill Agreement signed and dated before midnight on 14 August with instructions that it shall not be opened or delivered to States Dept until 25 August unless he directs otherwise; explains that he has decided not to abdicate at present and that he will let Mountbatten know his final decision in regard to accession on or before 25 August	729
488	Mountbatten to Listowel Letter, para. 10	16	Communiqué on negotiations between Kalat and Pakistan	740
489	Viceroy's Personal Report No. 17 paras. 41–52	16	Extraordinary behaviour of some of Rulers of Indian States; Jodhpur's flirtation with Jinnah and Patel's response; Baroda giving difficulty; private arrangement with Bhopal who has decided not to abdicate at present; Indore 'almost missed the bus'; accession of Dholpur; no outstanding States (taking extensions to Hyderabad and Bhopal into account) beyond Kashmir where Maharaja talks of holding a referendum; constitutional reforms in States and advice to Rewa	757

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I

Mr V. P. Menon to Sir P. Patrick

Telegram, R/3/1/138: ff 99–100

IMMEDIATE NEW DELHI, *8 July 1947, 1.00 am*[1]
SECRET *Received: 7 July, 11.50 pm*

No. 1823–G. Reference telegram from Corfield in reply to your No. 8648 dated 5th July.[2] The present plan to which we are working is that at the forthcoming conference of States representatives the first proposal which we intend to make is that States should join immediately on three subjects, namely External Affairs, Defence and Communications. We are adapting the Government of India Act 1935 with this purpose in view. Several States have joined existing Constituent Assembly with intention of joining new Constitution on these three subjects. Some States are still wavering. Important negotiations with major States of Hyderabad, Mysore and Travancore are impending. A statement on the lines proposed would prejudicially affect the attitude of the States towards the Constituent Assembly and negotiations. Even an inkling that H.M.G. would accord independent recognition would make infinitely difficult all attempts to bring the States and the new Dominions together on all vital matters of common concern. Public opinion in India cannot but regard it as an attempt to retain British influence over States. I would therefore strongly urge that no statement should be made on the lines proposed. You will see that His Excellency's reaction is similar: he has suggested omission of paragraphs 7–9 from the statement contained in your telegram 8628.[3]

2. An unequivocal statement reiterating H.M.G's view that States should in these and similar matters make their arrangements through one or other of the Dominions will make all the difference in the delicate negotiations now before us. If political stability in India is the objective, it is essential that H.M.G.

[1] Time of despatch taken from recipient's copy.

[2] In these telegrams Sir P. Patrick and Sir C. Corfield had a preliminary exchange of views on some of the problems (i.e. the matters referred to in No. 39, paras. 2–3) regarding the 'position of States in relation to the outside world after August 15th', Sir P. Patrick noting that 'our general approach to this subject' was set out in the draft Parliamentary statement (see Enclosure to No. 39). L/P &S/13/1839: R/3/1/138.

[3] Lord Listowel's telegram No. 8628 of 4 July transmitted the draft of a statement (see Enclosure to No. 39) which it was intended to make concerning the States in the Commons debate on the Bill. The points mentioned in paragraphs 7 to 9 of this telegram are referred to in paragraph 2 of Listowel's minute at No. 39. For Lord Mountbatten's reaction, see No. 39, note 2.

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should make this position clear beyond all doubt as Cabinet Delegation had done in their Memorandum of 12th May.[4]

[4] Vol. VII, No. 262.

2

The Secretary to the Crown Representative to All Residents

Telegram, R/3/1/138: f 93

IMMEDIATE POLITICAL DEPARTMENT, *8 July 1947, 10 am*
CONFIDENTIAL

No. 1810–P. Continuation Polindia Express Letter F.46–R(S)/47 June 21st.[1] Discussions regarding standstill arrangements.

2. Please inform all States that proposal for immediate accession of States to Dominion on three subjects, Foreign Affairs, Defence and Communications, will be included in agenda for discussions later this month. States Department will send copies of agenda and intimate actual date of meeting as soon as possible.

[1] Vol. XI, No. 287.

3

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telephone Message, R/3/1/157: ff 130–31

8 July 1947

Boundary Commission at initial meeting on 5th July called for great mass of information from:

(1) Financial Commissioner Revenue (Mr Ram Chandra).
(2) Governor.
(3) Governor's Secretary.

The Commission also asked for Staff consisting of one Secretary, one Superintendent, 5 stenographers, 5 typists assistants, one junior clerk and 8 peons. This is somewhat in excess of staff mentioned in your telegram No. 1753–S of 5th July.[1]

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2. Mamdot now demands that if Financial Commissioner is Hindu, Muslim officer should be associated with him in preparation and submission of all information. Constitutionally, Boundary Commission should make all demands for information on me, and information would normally be submitted by various Secretaries to Government according to subjects. I have no objection to constitution of Board as proposed by Mamdot if Your Excellency has none, and would make it responsible for collection and preparation of all material.

3. Mamdot also demands the appointment of two Secretaries to the Commission, one Muslim and the other non-Muslim, to be selected by the parties. He has already selected and nominated his man. This is a much more controversial matter since I understand from your telegram 1753-S, that the Commission is to have a European ICS officer as Secretary, and in any case, I doubt if Commission composed of Sir Cyril Radcliffe and four High Court Judges would wish for a staff to be selected for them by politicians. I should be grateful for instructions.

4. I suggest that my functions in relation to Commission be more clearly defined. So far I have taken them to be

(*a*) provision of office accommodation, and such Secretariat and clerical assistance as the Commission may require, the selection of persons available being made by Commission;

(*b*) provision of official information on demand by Commission.

Mamdot seems to think that I have powers of administrative control, and some Sikhs regard my powers as even wider. My own view is that my function should be as above, and I shall be grateful if this can be confirmed or modified.

5. Financial arrangements also need clarification. Commission asks for funds. Are they to be provided centrally or provincially, and who gives formal sanction for expenditure?

[1] This telegram described the staff which it was proposed to give to Sir C. Radcliffe which included an I.C.S. Secretary (Mr Beaumont). R/3/1/157: f 119.

4

The Maharaja of Kashmir to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/94: ff 26–8

CONFIDENTIAL THE PALACE, SRINAGAR, KASHMIR, *8 July 1947*

My dear Lord Mountbatten,

Thank you for your letter dated 27th June 1947.[1]

I am sorry for the delay in sending a reply which was due to the fact that

[1] Vol. XI, No. 386.

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there were rumours that Mahatma Gandhi was not immediately coming to Kashmir—rumours which have now been confirmed by the A.P.I. As for writing to Mahatma Gandhi direct, I feel it would be inappropriate for me to send him a letter in reply to a letter from you. I am enclosing an official letter in reply to your official letter of the same date which you may show to Mahatma Gandhi.

With regard to the second paragraph of your letter the position generally is as you have stated, though we do not—at least for the time being—consider the question of linking ourselves from the Military point of view with either one or the other of the Dominions or of sending representatives to a Constituent Assembly. A decision in these matters will be taken when we see how things turn out and in the light of circumstances as they develop.

Visits of outside leaders who know little of the circumstances prevailing here beyond what they hear from interested parties are embarrassing even in normal times but they have grave potentialities under the present conditions. As I told you, though we have been successful in our endeavour to maintain peace in this State under very trying circumstances, we make no secret of the fact that it is only by hanging on by the skin of our teeth and a measure of luck that we succeeded. Visits of prominent political leaders in an atmosphere surcharged with suspicion and passions such as prevails nowadays keep the country in a ferment and are far from conducing to the maintenance of peace. Moreover the trouble is that if a leader of one political denomination arrives he is bound to be followed by a leader of another denomination, and people therefore constantly live in a state of tension. The political situation in India having developed as it has I would repeat with all the emphasis at my command that it will be extremely difficult in the present conditions to guarantee that as a result of the visit the situation will not deteriorate with consequences that cannot be contemplated with equanimity. That we succeeded in avoiding any untoward incident during Pt. Nehru's second visit last year is true, but conditions then were different. The fever resulting from the partitioning of India and the division of certain Provinces has thrown most people off their balance. He would be a bold man indeed, who could say with any confidence that in the present circumstances a visit of a leader of Mahatma Gandhi's high standing will not produce untoward incidents.

All things considered, I would earnestly request Your Excellency to dissuade all political leaders from visiting Kashmir during 1947. If, however, Mahatma Gandhi is unable to cancel his visit I suggest that it would be in the best interests of this country and of India as a whole that the visit should take place only towards the end of the autumn. But I must emphasise the fact that it is impossible for us to guarantee the prevention of any untoward incident, circumstanced as we are, though we will, I need hardly assure you, try with all our

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might and main to safeguard against any such occurrence. I must add that what applies to Mahatma Gandhi, applies to all political leaders of similar standing with equal if not greater force.

Yours sincerely,
HARISINGH

Enclosure to No. 4

THE PALACE, SRINAGAR, KASHMIR, *8 July 1947*

My dear Lord Mountbatten,

I write to acknowledge receipt of Your Excellency's letter dated 26th June.[2]

It is true that we have had comparative peace here during the recent months and in spite of the fact that massacre and arson on an unprecedented scale have raged over the country there has been no bloodshed here. But as I told you, this has been the result of a policy of firmness and impartiality which, if I may say so, has been the guiding principle of the administration in this State. It would, however, be foolish to assume that because we have succeeded in so far maintaining peace, amidst the terror raging in the neighbouring territories, we can in all circumstances be equally successful. The present is a very inopportune time for political leaders to come to Kashmir as the position is most delicate. A tiny spark, in spite of the best intentions in the world, may set alight a conflagration which it would be impossible to control.

In the circumstances I would say that it would be advisable from all points of view for Mahatma Gandhi to cancel his projected visit to Kashmir this year. If, however, for reasons of his own he is not in a position to do so, I should still say that his visit should take place only towards the end of the autumn.

I note that he has given you his firm assurance that "he will make no political speeches or carry out any form of propaganda".

We have no objection whatsoever to his seeing Mrs. Abdulla but I am afraid it will not be possible for him to see Sheikh Abdulla.[3] There are political considerations which render such a meeting most inadvisable.

I need hardly say that if Mahatma Gandhi would like to stay as my guest during his visit here, I should feel very glad. I would, however, again strongly advise that he or any other political leader should not visit the State until conditions in India take a happier turn.

Yours sincerely,
HARISINGH

[2] *Ibid.*, Enclosure to No. 386.

[3] Sheikh Mohamed Abdullah, the President of the Kashmir National Conference, had been arrested on 20 May 1946 by the Kashmiri Government in consequence of the 'Quit Kashmir Movement' which he had launched in March of the same year in an attempt to bring down the princely government. See Vol. VII, No. 364 and L/P &S/13/1266: ff 188–96.

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5

Mr C. P. Scott to Mr I. D. Scott

Minute, R/3/1/157: f137

D.P.S.V. *8 July 1947*

Wazir Ali rang me up this morning, saying that two scheduled castes' leaders from West Punjab—Chaudhari Soklal and P.S. Ramdasia—wish to see H.E. and present a memorandum about the boundary to be fixed by the Commission in the Punjab. I told Wazir Ali that I did not think they had a hope of seeing H.E. and he said that they quite understood that H.E. was very busy but, failing him, would like to see P.S.V.

I don't think we should see people who wish to make representations about new Provinicial boundaries. This is entirely a matter for the Boundary Commission and, since Sir Cyril Radcliffe is going to stay in the Viceroy's House, it would, I think, create a bad impression if H.E. or his staff were to entertain or receive any such representations. If you agree, I propose to tell Wazir Ali that neither H.E. nor any of the staff can see these two gentlemen, and suggest that they should make any representations they wish to the Boundary Commission when it is set up.[1]

C. P. SCOTT

[1] Mr I. D. Scott noted: 'I agree. IDS 8/7.' Sir G. Abell noted: 'Same. GA 8/7/47.'

6

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Nehru (Extract)

Mountbatten Papers. Viceroy's Interview No. 157

SECRET *8 July 1947, 11 am–12.15 pm*

1. I told him that Sir Olaf Caroe had written asking whether Pandit Nehru would agree that Mahbub Ali should be shown a copy of Mr Justice Clarke's finding,[1] and would further agree that he might be given a copy to keep with his own records. Nehru was very generous about it and said that he had already given personal publicity to this finding and was only too glad that Mahbub should have it.

* * *

4. Nehru complained about Sir C. P. Ramaswami Aiyer's gratuitously insulting remarks about India having established diplomatic relations with

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Soviet Russia.[2] I told him it was my intention to invite Sir C.P. to come and see me in the near future to try and persuade him to join the Dominion of India on the basis of the three subjects of Defence, External Affairs and Communications, which Pandit Nehru had told me at yesterday's interview[3] that the Congress party were now prepared to accept as a basis of relationship between the Dominion of India and such States. I said I would certainly take up this question with Sir C.P. then. Pandit Nehru said that the basic difficulty with Sir C.P. was that he had a very inflated opinion of his own importance, was always taking offence unless he was played up to, and seemed to want to get into the news gratuitously. I promised to try and get hold of Sir C.P. as soon as I could without making it a matter of urgency.

[1] Exonerating him from the charges relating to his conduct during Nehru's visit to Malakand in November 1946. See Vol. IX, No. 11, note 4.
[2] c. Enclosure I to No. 106.
[3] Not traced.

7

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1)

MOST IMMEDIATE *8 July 1947, 1.35 pm*

No. 1830–S. Following letter received from Jinnah this morning.
Begins: With reference to the question as to who should take the chair at the meeting of the Joint Defence Council,[1] which is to be set up according to the decisions of the Partition Council dated 30th June,[2] I have considered your suggestion and wish to state that if you decide to accept the Governor-Generalship of the "Dominion of India" and if your future Government will permit you to act as an independent and impartial Chairman of the Joint Defence Council, I would be glad to agree on behalf of the Dominion of Pakistan to your acting in this capacity. *Ends.*

2. You will note that he consistently refrains from committing himself in writing to asking me to do anything. He merely agrees in a form that implies that I asked for his agreement.

[1] See Vol. XI, No. 533, para. 4.
[2] *Ibid.*, No. 416.

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8

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, R/3/1/160: f 97

IMMEDIATE *8 July 1947, 2.30 pm*

SECRET

No. 1832-S. I have now received resignations from the nine Congress Members. The five Muslim League Members have for the present refrained from handing in theirs, and Liaquat has written[1] asking for details of my plan of reconstitution because the Muslim League can only decide whether to send in their resignations, when they know the full proposals.

2. I fear this may be the beginning of a further obstructive move by Jinnah and have sent for him this afternoon.

3. Meanwhile I saw Nehru this morning, who agreed that I need take no steps to reconstitute the Government until the normal Cabinet meeting on 23rd July, but he said he could not possibly afford to allow it to be held beyond this.

4. Of course the later I could put this off the easier for Jinnah but the worse for Nehru. I shall therefore probably have to fix on the 23rd July and hope the Bill will be through by the 21st or 22nd. You will realise that it would be an embarrassment if it went through much earlier.[2]

[1] Vol. XI, No. 549.

[2] In tel. 8799 of 9 July Mr Christie replied that every effort had been made to secure early passage of the Bill which was due to receive the Royal Assent on 17 July, and asked what date Lord Mountbatten had in mind, adding that it would 'be very awkward here if Royal Assent is delayed after strenuous efforts to get Bill through Lords quickly'. Sir G. Abell replied in tel. 1884-S of 10 July that 'the 17th would do but Viceroy would prefer 18th if possible'. R/3/1/154: ff 114, 128. In his minute No. 123/47 of 11 July to the Prime Minister, Lord Listowel explained that as 18 July was convenient from the point of view of the House of Lords and the King, he was arranging for the Royal Assent to be given at 12.30 pm on 18 July. Mr Attlee minuted 'Yes'. L/PO/6/122: ff 46 and 45.

9

Sir S. Cripps to Mr Rajagopalachari

Public Record Office. CAB 127/146

BOARD OF TRADE, MILLBANK, SW.1, *8 July 1947*

My dear Rajagi,

Thank you for your letter of the 2nd July.[1] I fully appreciate the difficulty and we have done our utmost to meet it by the new proviso to section 7 of the Bill.[2]

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This is as far as we can possibly go without breaking all faith with the States Rulers and that we cannot do as we have made clear—and as I personally have made clear ever since 1942.

I am sorry we can't do more but it is the best we can do.

All good wishes,
Yours,
STAFFORD CRIPPS

[1] Vol. XI, No. 459.
[2] For insertion of the *proviso*, see correspondence concluding with No. 513 in Vol. XI. For the Act as passed, see No. 164 in this Vol.

10

Cabinet C.M.(47) 60th Conclusions, Minute 1

R/30/1/12: ff 2–3

Those present at this meeting held at 10 Downing Street, S.W.1, on 8 July 1947 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, Viscount Jowitt, Viscount Addison, Mr J. Westwood, Mr A. Creech Jones, the Earl of Listowel, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams, Mr George Tomlinson.

Also present during discussions of Item 1 were: Mr John Strachey, Mr William Whiteley.

INDIA

Constitutional Changes

(Previous Reference: C.M.(47) 58th Conclusions, Minute 6)[1]

THE PRIME MINISTER informed the Cabinet that difficulties had arisen over the appointment of Governors-General for the new Indian Dominions. The Indian Independence Bill had been drafted on the assumption that, at least for an initial period, it would be found convenient for India and Pakistan to share a common Governor-General and that the present Viceroy would continue to service [? serve] in India in this post in order to help the new Dominion Governments through the difficult period of transition. The Congress leaders had invited Lord Mountbatten to accept nomination as the Governor-General of India, but the Muslim League had now put forward Mr. Jinnah's name for the post of Governor-General of Pakistan. The Muslim League leaders had, however, expressed the strong hope that Lord Mountbatten would become

[1] Vol. XI, No. 443; see also No. 564, Minute 1 and Confidential Annex.

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Governor-General of India; and the Congress leaders, on learning of the Muslim League's proposal, had renewed their invitation to him.

Lord Mountbatten was in some doubt whether to accept the Congress invitation. He was afraid that, if he should decide to associate himself in this way with the Union of India, his impartiality as Viceroy might be subsequently impugned, and he had had in mind the attitude adopted by the Governors of Bengal and the Punjab, each of whom had announced that he would not be prepared to accept office in one part of his Province after partition. On the other hand, it was clear that Lord Mountbatten's departure from India on 15th August would seriously endanger the process of transferring power. If Lord Mountbatten were not available it seemed inevitable that a Hindu would be appointed Governor-General of India, and the prospects of conflict over such matters as the division of assets between the two Dominions would thus be greatly increased. It was, moreover, in the interests of Pakistan that Lord Mountbatten should remain, since it seemed likely that he would be able to ensure a fairer division of assets.

It would be necessary to make some statement on this matter on the Second Reading of the Indian Independence Bill. In particular, Lord Mountbatten was himself most anxious that the earliest opportunity should be taken to make public the development of events so that, if he accepted the Congress invitation, he could not legitimately be charged with partiality. Moreover, Parliament would reasonably assume from the terms of the Bill that, at the outset, the two new Dominions would share a common Governor-General, and it ought not to be left under a misapprehension. In these circumstances, the best course seemed to be to make a statement on the Second Reading to the effect that both Congress and the Muslim League had made recommendations regarding the Governors-General of the new Dominions which had been conveyed to The King by His Majesty's Government. While a formal announcement would have to await the enactment of the Bill, His Majesty had intimated that he would be prepared to accept these recommendations as soon as the Bill had been passed. The names could then be given. The Prime Minister said that he had felt it advisable, after discussing the matter at the India and Burma Committee, to consult the Opposition leaders about this procedure, and he intended to submit the proposal to His Majesty later in the day.

The Cabinet—

Took note, with approval, of the Prime Minister's statement.

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II

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Sir W. Monckton

Mountbatten Papers. Viceroy's Interview No. 158

8 July 1947, 3–3.30 pm

I informed Sir Walter that Pandit Nehru had informed me at his interview yesterday[1] that the Congress Party were prepared to accept any Indian State as a full member of the Dominion of India if they would adhere for the three Central subjects (Defence, External Affairs and Communications) which were laid down in the Cabinet Mission plan of May 16. He had pointed out to me that all States had declared their willingness to accept these three subjects and that provided the difficulty of the partition of India could be accepted, he saw no reason why they should not join on those terms. I said that I had instructed the Political Department to put this on the Agenda for the meeting of the 25th July.[2]

I told Sir Walter that Pandit Nehru had agreed that I should conduct negotiations in the first instance and subsequently the States Department; and that I had arranged to keep him personally informed and thought that in that case he would not find it necessary to attend the meetings himself.

Sir Walter pointed out that if a decision had to be taken at the meeting with the Hyderabad delegation this weekend,[3] that would leave insufficient time for the Nizam either to make up his own mind or to put over this policy to his people.

I pointed out that although it had been my original intention to try and complete all negotiations with Hyderabad at this one series of meetings, I was quite prepared to confine the agenda for this week to Berar and Secunderabad and provisional standstill agreements, and put the main question of adherence to the Dominion of India back to July 25th when all other States would be coming up to discuss this.

Sir Walter said he was sure this would give the Nizam enough time to think it out and prepare his people.

I told Sir Walter that if the Nizam behaved really well and if he thought it would help him in his negotiations to hint that his second son might be granted the title and rank of "His Highness", then he could throw out

[1] Not traced; cf. No. 6. [2] See No. 2. [3] See No. 61.

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such hints now and I would telegraph to the Secretary of State accordingly.[4]

I also empowered Sir Walter to discuss my visit and say that I would be perfectly willing to come either before the 25th July (provided Sir Walter was able to assure me that the Nizam intended to accept these three subjects and join the Dominion of India), or immediately after the meeting of 25th July when I should come down more or less to express my appreciation of his attitude.

[4] In tel. 1887-S of 10 July Lord Mountbatten expressed the hope that he would have the Secretary of State's agreement if he decided to make a formal proposal to this effect. Lord Listowel replied in tel. 9385 of 21 July that the King would be prepared to accept a recommendation if made that the second son of the Nizam be granted the title of His Highness. Listowel added: 'As Hyderabad would presumably not have acceded until after 15th August formal submission to the King would have to be made by you on advice of your Ministers and you will doubtless consider whether you should not consult Patel before carrying matter further if you have not already done so.' Mountbatten Papers, Official Correspondence Files: Hyderabad, Part I(a).

12

Minutes of Viceroy's Fifty-Fourth Staff Meeting, Items 1 and 3

Mountbatten Papers

SECRET

Those present during discussion of Items 1 and 3 of this Meeting held at The Viceroy's House, New Delhi, on 8th July 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Sir E. Mieville, Sir C. Radcliffe (Item 1), Captain Brockman, Mr I. D. Scott, Mr Beaumont (Item 1), Commander Nicholls, Lieutenant-Colonel Erskine Crum.

Item 1

BOUNDARY COMMISSIONS

HIS EXCELLENCY THE VICEROY explained to Sir Cyril Radcliffe how the composition of the Boundary Commissions had been finally agreed to by all parties, and the great difficulty which had been experienced in deciding upon a Chairman. He emphasised the desirability of the work of the Boundary Commissions being finished by 14th August.

The Meeting considered a telephone message[1] which had been received from the Governor of the Punjab concerning certain difficulties which had arisen as a result of the initial meeting, on 5th July, of the Punjab Boundary Commission. A draft reply to this message was circulated.

HIS EXCELLENCY THE VICEROY:—

(i) directed D.P.S.V. to despatch the draft reply to the Governor of the Punjab, subject to amendments agreed in discussion;[2]

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(ii) directed D.P.S.V. to despatch a telegram to the Governor of Bengal containing instructions similar to those sent to the Governor of the Punjab;

(iii) directed D.P.S.V. to arrange for Sir Cyril Radcliffe to meet Mr Jinnah, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Sardar Baldev Singh and Dr Rajendra Prasad.

Item 3

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

HIS EXCELLENCY THE VICEROY stated that Mr Liaquat Ali Khan had written[3] to him to say that he did not wish to send in his resignation until he knew more details of the form which the reconstitution of the Interim Government was to take.

HIS EXCELLENCY said that he had explained to Pandit Nehru the difficulty that, if he expelled the Muslim League members of the Interim Government, it would appear that his first act, after the announcement that he was going to stay on as Governor-General of the Dominion of India alone, was taking sides. Pandit Nehru had insisted that the reconstitution, as planned, was in the best interests of Pakistan. He had also explained the reason why Congress were so keen that this reconstitution should take place before the end of August [? July]. Congress had originally acceded to the Muslim League request to join the Interim Government on the condition that the latter should join the existing Constituent Assembly. The failure of the League to join the Assembly had so much prejudiced the reputations of the Congress leaders that Pandit Nehru felt that they would stand little chance of being returned in fresh elections. In fact, their candidates had been soundly defeated in a recent bye-election.

The meeting then considered a draft "Question and Answer" on this subject, which, it was suggested, should be made in Parliament. HIS EXCELLENCY said that he would decide finally on this draft after seeing Mr Jinnah that evening. He intended to point out to Mr Jinnah that it would take at least three weeks for him to move the Pakistan Government to Karachi. He would offer to make himself responsible for Pakistan's interests. Also the date of the reconstitution of the Interim Government should be allied to that, (July 22nd), on which the reports of the Partition Sub-Committees were due to be rendered.

HIS EXCELLENCY THE VICEROY:—

directed Pers. Sec. to ensure that the draft "Question and Answer" were shown to Rao Bahadur Menon; and that they were despatched to the Secretary of State by telegram after his meeting with Mr Jinnah that evening.[4]

[1] No. 3. [2] See No. 19. [3] Vol. XI, No. 549.
[4] Draft not printed, for tels. as sent see Nos. 24 and 25.

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13

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1)

IMMEDIATE NEW DELHI, *8 July 1947, 5.15 pm*
SECRET

No. 1836–S. I have seen Nehru who confirms that he has no objection whatever to it being mentioned in debate[1] that Colville and Nye have been asked to stay on and that a British Commander-in-Chief and a number of British senior commanders are also being asked to stay on.

2. I am seeing Jinnah this afternoon.

[1] In tel. 8719 of 7 July Lord Ismay asked for confirmation that Congress would raise no objection to it being mentioned in debate that they had requested the retention of these officials. In the same tel. Ismay asked for similar confirmation in relation to Mr Jinnah's request that Pakistan should have four British provincial governors and British commanders for its Army, Navy and Air Forces. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (2).

14

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: ff 53–5

MOST IMMEDIATE INDIA OFFICE, *8 July 1947, 2.43 pm*
SECRET *Received: 8 July, 9.00 pm*

No. 8737. I saw Prime Minister alone directly I arrived for an hour. After dinner I attended a Cabinet Committee meeting[1] which lasted two hours at which I explained background and position now reached and read out Liaquat's letter.[2] There was unanimity that despite the difficulty of the situation created by Jinnah's overwhelming egotism, your continuance as Governor-General of India must be secured provided your own position can be fully covered. There was no doubt about the advantage to India and as Prime Minister said you can see this through and no one else can.

2. The fact that Jinnah will welcome your remaining as Governor-General of India weighed strongly and it was felt that if his agreement to your being Chairman of the Defence Committee could be confirmed before debate that would clinch the matter. Only qualifying doubts expressed were by:

(a) Alexander who insisted that you must not be let down in any way;

(b) by Cripps who was anxious about the effect on your personal position of

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change from an arbitral to a partisan position if differences should develop between the two Dominions over partition;

(c) by Listowel who felt that assurance was necessary that Congress left wing would make no difficulties.

I said that Congress felt confident that they were masters in their own house and Cripps who had just seen Jai Prakash Narain's right hand man confirmed that they would keep in with Congress until after first election.

3. A difficulty which we had overlooked arose about time factor. No formal announcement about Governor-General can be made before the Bill is passed. Until then there is no basis for a submission of names to the King. The Prime Minister felt that this could be overcome by seeing Opposition and then securing contingent approval of the King with a view to making a statement in the House on the following lines.

Begins. The Moslem League and Congress have made representations about persons who should be Governors-General of the two Dominions if the Bill is passed. These have been conveyed to His Majesty. Formal announcement must await passage of the Bill but His Majesty has intimated that as soon as the Bill is passed he would be prepared to approve appointments of yourself and Jinnah. It is clear that Congress earnestly desire you to be their Governor-General and Jinnah too has countenanced prospect of your becoming Governor-General of India. This is an expression of highest confidence in you by all the people in India and a great tribute to the services you have rendered. *Ends.*

4. Despite doubts expressed by the Dominions Secretary it was provisionally agreed that names must be announced in this way in order to forestall leakage and prevent speculation or press campaign which might make your position difficult.

5. Normal procedure would be for the Dominions Prime Ministers to make submissions but as there must be Governors-General on August 15th and there will be no new Dominions until that date H.M.G. must in the special circumstances act as agents on their behalf.

6. It was also provisionally agreed that you should have authority to take Nehru into confidence after you had received H.M.G's views and had made up your own mind.

7. Above is to let you know general trend of discussion but nothing should be regarded as definitely settled.

8. Your 1802-S just received.[3] I have of course not circulated either paper nor have I mentioned any of the points on which you comment. I have

[1] See Vol. XI, No. 564, Minute 1 and Confidential Annex.
[2] *Ibid.*, No. 509.
[3] *Ibid.*, No. 557.

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concentrated on giving background and allowing Ministers to judge for themselves.

9. Prime Minister is seeing Opposition both Conservative and Liberal on Tuesday morning[4] and the King at 6 p.m. same day. I am attending former meeting and am myself seeing His Majesty at 6.30 p.m.

[4] 8 July.

15

The Earl of Listowel to Mr Attlee

L/WS/1/1091: f 6

INDIA OFFICE, *8 July 1947*

Secretary of State's Minute: Serial No. 116/47

Prime Minister,

I attach, for your appproval, a draft telegram[1] to the Viceroy about the withdrawal of British troops from India, based on the decisions reached at last night's meeting of the India and Burma Committee.[2] The draft incorporates certain amendments proposed by the Chiefs of Staff and the Minister of Defence but the Chiefs of Staff nevertheless do not find themselves able to concur in its terms. As I understand it, this means that the Chiefs of Staff are not in agreement with the decisions reached by the India and Burma Committee.

LISTOWEL

[1] Not printed. For the telegram as sent, see No. 50.
[2] See Vol. XI, No. 564, Minute 2.

16

Sir G. Abell to Mr Turnbull

Telegram, L/P&J/10/118: f 3

IMPORTANT
CONFIDENTIAL

CALCUTTA, *8 July 1947, 6.20 pm*
Received: 8 July, 6.20 pm

No. 192–C. Your telegram 1827–S (sic).[1] Partition Councils. As I am in Calcutta I am replying direct about Bengal. Reply about Punjab will go from Delhi.[2]

2. Information as to partition procedure in Bengal was sent to Harris by air mail several days ago. Separation Council has been set up corresponding to Partition Council at centre and consisting of two high ranking representatives

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of each side, i.e., Suhrawardy, Kwaja Nazim-Ud-Din, Mukherji and N.R. Sarkar, with Governor as Chairman.

3. Council has started work amicably and well. It is served by steering committee of one Hindu and one Moslem official and this committee controls expert committees in various Departments.

4. Physical difficulties of setting up a new capital at Dacca and splitting up provincial administration are great but Governor and Ministry are determined that everything possible in time shall be done.

5. There is no talk in Bengal at present of arbitration but if as is probable both high commands accept composition of arbitral tribunal now under consideration at Delhi, i.e., one judge nominated by Congress, one judge nominated by League and Chief Justice of India as Chairman, and if they agree to accept decisions of such tribunal these are likely to be accepted as binding in Bengal also.

[1] In tel. 8707 of 7 July (to which this reference presumably refers), Mr Turnbull asked Sir G. Abell if the Partition Councils in Bengal and the Punjab had been established and if the parties concerned had agreed upon arbitration and, if so, whether agreement had been reached on the composition and terms of reference of an Arbitration Tribunal. L/P &J/10/118: f 14.

[2] See No. 18.

17

Report from Reuter Indian Service

L/P&J/8/663: ff 64–5

SIKHS WEAR BLACK ARMBANDS IN PROTEST AGAINST PARTITION

NEW DELHI, *8 July 1947*

India's 5,700,000 Sikhs, most of whom live in the Punjab, wore black armbands as they prayed in their Gurdwaras (temples) today[1] in protest against the threat to split their community under the British Plan for India.

In growing alarm at the possibility of their people being split by partition of the Punjab, Sikh leaders West of the provisional partition line are urgently endeavouring to impress about 1,500,000 Sikhs in rural areas with what they consider a danger to the existence of the community.

The protest day of prayer passed quietly in the Punjab, according to reports so far received.

Gurdwara congregations approved a resolution declaring that "any partition that did not secure the integrity and solidarity of the Sikhs would be unacceptable and create a difficult situation".

[1] In his official stituation report tel. 167-G of 8 July, Sir E. Jenkins referred to this event as follows: 'Sikh protest day appears to have passed off peacefully but meetings in Guruka Bahawalpur Amritsar numbered 10,000 and were addressed by Hindus as well as Sikhs'. L/P &J/8/663: f 66.

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Leaders of the Shiromani Akali Dal, leading Sikh religious and political organisation which sponsored the protest day, said that though they did not wish to disturb the Punjab's precarious situation they felt something must be done to arouse the Sikhs to effective protest before the Boundary Commission declares its findings.

Black-bearded, blue-turbaned, carrying three-foot curved swords like walking canes, the Organisation's Acting President, Amar Singh Dosanj, and General Secretary Amar Singh Ambalvi, said there could be no peace in the Punjab if the Sikhs were dissatisfied by the partition.

They declared a boundary on the River Chenab was their minimum demand adding that when the Sikhs asked for partition of the Punjab they had in mind the separation of preponderently Moslem areas from the rest of the Punjab.

Hindu and Sikh shops in Old and New Delhi remained closed today as a mark of protest.

Addressing a meeting Sardar Baldev Singh, Defence Member of the Interim Goverment said Sikhs should be prepared to make all sacrifices if the verdict of the Boundary Commission went against them.

Sikhs had accepted the British statement of June 3 but acceptance never meant they should acquiesce in decisions which threatened their very existence, he declared.

Sikhs had a great stake in the fertile canal zone in the Moslem majority area, he said, and in their sacred Gurdwaras.

The percentage of taxes they paid and the property they held should be taken into account before the boundaries were fixed, he added.

The Referendum whether to join the new Pakistan Constituent Assembly or the existing India Constituent Assembly began today in four more districts of the North West Frontier Province—Peshawar, Mardan, Kohat and Bannu.

In the other two districts, Hazara and Dera Ismail Khan, it start[s] on Sunday.

The Referendum is proceeding peacefully.

18

Mr I. D. Scott to Mr Turnbull

Telegram, L/P&J/10/118: f 4

IMPORTANT — NEW DELHI, *8 July 1947, 7.00 pm*
CONFIDENTIAL — *Received: 8 July, 6.30 pm*

No. 1834–S. Your telegram No. 8707 July 7th.[1]

2. Partition Committee not Council has been set up in Lahore consisting of two representatives of Moslems and two of non-Moslems. It has been informed

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that an arbitral tribunal was being set up at the Centre and that services of this tribunal would be available to partitioned provinces. The Partition Committee has made no comment on this and is not proposing at present to set up its own arbitration tribunal. The Committee has been informed by the Governor that its work will not be carried on by majority vote but must be by agreement.

3. Abell is in Calcutta and has been asked to reply to you direct[2] concerning para No. 2.

[1] See No. 16, note 1. [2] No. 16.

19

Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, R/3/1/157: f 134

CONFIDENTIAL *8 July 1947*
BY TELEPHONE
No. 1839–S. Boundary Commission.[1]

2. I think that Commission should be allowed whatever staff they wish to have.

3. I agree that a Muslim officer should be associated with Financial Commissioner for preparation of papers. These two officials could perhaps act as Steering Committee for Commission.

4. Radcliffe himself will have a European ICS officer as Secretary. Since the High Court Judges have been selected by politicians, I see no reason why their two Secretaries should also not be selected by political parties, but wish them to be appointed in agreement with members of the Commission.

5. I confirm your own view of your functions in relation to Commission, but consider that all official information should be passed to the Commission through the Steering Committee of two above-mentioned officials.

6. Expenses of Radcliffe and his personal staff will be borne by Central Government. All other expenses of the Boundary Commission will be a charge on Provincial revenues. I suggest that someone from your Finance Department be associated with them to look after sanctions etc.

[1] See No. 3.

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20

Mr Williams to Mr Clauson

Telegram, R/3/1/107: f 214

IMPORTANT NEW DELHI, *8 July 1947*,[1] *9.00 pm*
CONFIDENTIAL *Received: 9 July, 4.30 pm*

No. 1841–G. Secretary of State's letter to Viceroy dated May 19th[2] regarding content of treaty or agreement which I am handling. We deferred further examination when it appeared likely that some subjects would be affected by draft Bill. Broad position now is that (a) guarantee to maintain certain conditions of service for Secretary of State's officers is included in draft Bill[3] (b) agreed statement regarding European officers in Central and Provincial Services will be made in Parliament during debate on Bill[4] (c) certain military arrangements have been agreed to by Partition Council.

2. Grateful for early information as to present position at your end. Can you say what matters it is now considered necessary to make subject of agreement before transfer of power and on what lines it is thought they should be handled.

[1] Date of despatch on recipient's copy given as 9 July 1947. L/P &J/10/92: f 14.
[2] This letter enclosed a memorandum which contained the preliminary conclusions reached by the India and Burma Committee on proposals put to them by Lord Pethick-Lawrence concerning the content of a treaty to provide for matters arising out of the transfer of power, and asked the Viceroy for his comments. For the discussion in the India and Burma Committee upon which the memorandum was based, see Vol. X, No. 288, Minute 2.
[3] See correspondence concluding with Nos. 429, part III, and 484 in Vol. XI.
[4] See Vol. XI, No. 546.

21

Rear-Admiral Viscount Mountbatten of Burma to Mr Liaquat Ali Khan

R/3/1/160: f 94

NO. 1446/36 *8 July 1947*

Dear Mr Liaquat Ali Khan,

Thank you for your letter of the 7th July,[1] which I felt raised such a difficult issue for me that I must discuss it personally with Mr Jinnah before giving you an answer.

I think I have convinced Mr. Jinnah of my *bona fides* in this matter and my desire to play fair with the League Members, and he has promised me to have a discussion with you and your colleagues and let me have his answer later on.

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In the meanwhile you may take this letter as dispensation for the League Members not to send me their resignations until you can do so in a body on the return of your colleagues from attending the referendums.[2]

Yours sincerely,
MOUNTBATTEN OF BURMA

[1] Vol. XI, No. 549.
[2] The Indian Cabinet was informed of this by Lord Mountbatten on the following day. R/3/1/160: f 109.

22

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1)

MOST IMMEDIATE NEW DELHI, *8 July 1947, 9.30 pm*
CONFIDENTIAL *Received: 8 July, 8.35 pm*

No. 1845–S. I have discussed your telegram No. 8719[1] with Jinnah. He has no objection to use being made in the debate of the fact that some of the Provincial Governors of Pakistan will be British for the time being though exact details have not yet been settled. He also authorises me to say that the C-in-C of Pakistan and several of the senior officers retained will similarly be British.

[1] No. 13, note 1.

23

Sir P. Patrick to Mr V. P. Menon

Telegram, L/P&J/10/102: f 28

IMMEDIATE INDIA OFFICE, *8 July 1947, 6.30 pm*
Received: 9 July, 2.00 am

No. 8755. Your telegram of 8th July 1823–G.[1] For your personal information it is being suggested to Ministers that statement on lines of paras. 7 to 9 of Secretary of State's telegram 8628[2] should not be made during Commons debate. If it becomes necessary to reply to enquiries about international position of States it should be sufficient to say that in view of conference with States representatives H.M.G. desire to say nothing which might prejudice favourable outcome.

[1] No. 1. [2] *Ibid.*, note 3.

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2. It may not be possible to avoid a statement in Lords debate which will occur in following week in light of outcome of conference and we should be grateful for very early information about its progress.

24

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, R/3/1/160: ff 98–9

IMPORTANT NEW DELHI, *8 July 1947, 11.00 pm*
SECRET *Received: 9 July, 2.30 am*

No. 1847–S. Further to my telegram 1832–S of 8th July.[1] I have had a very long and rather difficult interview with Jinnah on this subject this evening.[2] He says that all League Members of Cabinet are extremely bitter at this deliberate humiliation being inflicted on them in the last three weeks by the Congress and they have not yet decided their course of action.

2. They are considering refusing to resign in order to force me to dismiss them, and refusing to accept fresh portfolios in order to indicate that they have been deliberately deprived of their fair share of government in the last three weeks.

3. Liaquat went so far as to say to Jinnah that he presumed that this was a manoeuvre to enable Congress to pull a fast one over Pakistan, in removing assets.

4. I think I persuaded Jinnah that this was not the case and got him to see why Congress were so keen to be masters in their own house at the earliest possible moment.

5. I pointed out how I had fought his battles step by step; how I had prevented this issue from coming to a head before I went to London; that I had on return postponed the date from June 4 to July 4 and finally to July 23. This final date was within three weeks of the setting up of the new Government in Karachi and I suggested that most of the three weeks would be required for the move. I appealed to him that his Members should resign and that he and I could together phrase an announcement which would take the sting out of this reconstitution and make it appear a reasonable move.

6. He said he could not give me an answer until all his Members returned from the referenda on the 17th.[3]

7. He then said in that affectionate tone which he has recently begun to use

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with me: "I appreciate your difficulty and you can rely on me to make everything in your path as smooth and easy as possible".

8. It has however occurred to me that this matter might arise in the debate, and in my next following telegram I am transmitting a possible question with a suggested reply. In view, however, of the prospects of my getting Jinnah to accept this peacefully I would prefer that this measure should not be used unless a genuine question arises or I telegraph at a later date asking for the question to be asked.

[1] No. 8. [2] Not traced.
[3] A reference to the referenda in the North-West Frontier Province and Sylhet.

25

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, R/3/1/154: f 110

IMPORTANT NEW DELHI, *8 July 1947, 9.00 pm*
SECRET *Received: 9 July, 2.30 pm*

No. 1848-S. My telegram No. 1847-S.[1] Following is possible question and suggested reply. Not to be used except as stated in my previous telegram.
Begins. Question. Clause 9 sub-clause (e) of the Bill authorises the Governor-General to carry on the business of the Governor-General in Council other than in accordance with the provisions of the 9th Schedule to the Government of India Act: what is the intention underlying this provision?
Suggested reply. It is obviously necessary that the two new Dominion Govts of India and Pakistan should be established and be ready to take over their respective functions on the 15th Aug. In particular the Pakistan Dominion Government will have to get its whole Secretariat machinery properly functioning by that date. H.M.G. therefore consider that as soon as the Indian Independence Bill is passed into law the Viceroy should reconstitute his Executive Council.

2. The resignations of all members of the present Executive Council have already been called for by the Viceroy. He will reconstitute his Executive Council on the basis of 9 members who will form the future Government of India and 9 members who will form the future Government of Pakistan. The existing portfolios will be allotted among the Members for the Dominion of India. The Members of the Pakistan Government will take over the necessary files and set up their governmental organisation ready to move to Karachi

[1] No. 24.

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a week or two later. They will also in the meanwhile hold a watching brief on all matters affecting their Dominion.

3. A complete standstill policy will be in force in relation to the Pakistan area except at the request of any Member of the future Pakistan Government who can have any action taken through his opposite number. *Ends.*[2]

[2] In his minute Serial No. 121/147 of 10 July to the Prime Minister, Lord Listowel stated his personal preference for avoiding a Commons statement on this matter. If, however, a statement had to be made, he felt that it should be kept 'to the bare minimum'. In his tel. 8857 of 10 July to Lord Mountbatten, Lord Ismay conveyed Listowel's thanks for the material which the Viceroy had sent and explained that it was hoped that the need to use it would not arise. L/P &J/10/81: ff 38–9 and R/3/1/160: f 111.

26

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: ff 52–3

MOST IMMEDIATE INDIA OFFICE, *8 July 1947, 9.00 pm*[1]
SECRET *Received: 10 July, 3.00 am*

No. 80. The Prime Minister met following leaders of Opposition at 9.30 a.m. this morning: Salisbury, Macmillan, Butler, Samuel, Clem Davies. I was present at the meeting and gave them confidentially background.

2. Samuel was anxious to revive idea of a Viceroy presiding over the two Governors-General but rest of meeting turned this down as impracticable, probably unacceptable to Congress and too late. There was obvious unanimity that you should be asked to remain as Governor-General of India especially from Liberal side but Conservative Members said that they wished to consult Mr. Churchill and Mr. Eden who was unable to be present at the meeting before committing themselves.

3. The Prime Minister asked me to go and see Mr. Churchill who was at Chartwell and I have just got back. Mr. Churchill was completely undismayed by Jinnah's action and thought position remained unaltered. He dictated a message which I might send to you which seems to me to be a masterly appreciation of the situation. The message is as follows. *Begins.* Mr. Churchill did not think that exact balance and symmetry of the appointments at the top was important. What mattered was to find what worked best in the circumstances if Mr. J became Governor-General of Pakistan. This would not make him more unfriendly to our country or less dependent upon it. Such solution for Pakistan would make it all the more important that all possible guidance should be given to Hindustan.

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Under British constitution which is much in vogue in India at present time the King reigns but does not govern. He has however an unlimited right to receive information and to give advice which Ministers may take or reject on their responsibility. On this basis Lord Mountbatten might be of great help to Hindustan (or Indian) Government in the next year or so and in Mr. Churchill's opinion he ought not to withhold that aid. He can strive to mitigate quarrels between Hindu and Moslem, safeguard position of Princes when that is involved and preserve such ties of sentiment as are possible between the Government of Hindustan and that of other Dominions (or Commonwealth) of the Crown. It will be for Lord Mountbatten himself alone to decide whether any point is reached where his conscientious or patriotic loyalty is involved or when his usefulness is exhausted. *Ends.*

4. I am just off to Palace and am seeing Prime Minister after I return. I hope we may send you a further message either tonight or early tomorrow morning.

[1] Date and time of despatch have been taken from the India Office register of outward telegrams. On recipient's copy, date and time of despatch are given as 9 July, 8.05 pm.

27

Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: f 54

MOST IMMEDIATE INDIA OFFICE, *8 July 1947, 10.05 pm*
SECRET *Received: 9 July, 5.40 am*

No. 81. Following is private and personal message for Viceroy from Prime Minister.

We have considered very carefully position which has arisen from Jinnah's determination to be Governor-General. I understand very fully your feelings. Obviously it would have been much better if you had held both offices but as this is not now possible we must accept the situation. I would ask you most earnestly to accept Governor-Generalship of India during this period of transition. I believe this to be essential if transition is to go through smoothly. You have the trust of both Parties in India and of all Parties here. You need have no fear that anyone would think it improper for you to be Governor-General of new Dominion or that it would reflect on your impartiality. Everyone knows that you have made and are making a great sacrifice in doing this work. I have seen Opposition who agree that you should stay. You will receive a message from Winston.[1]

My following telegram gives for your private information a passage which

[1] No. 26, para. 3.

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I should propose to include in my speech on Thursday. I should like your comments and suggestions at your earliest. I shall desire particularly to know if reference to Moslem League's approval of your appointment will be all right with Congress.

28

Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: ff 55–6

MOST IMMEDIATE INDIA OFFICE, *8 July 1947, 11.50 pm*
SECRET *Received: 9 July, 5.40 am*

No. 82. Private and personal. For Viceroy from Prime Minister. My immediately preceding telegram.[1] Following is text of passage for my speech. *Begins.*

"Clause V of the Bill provides for appointment by the King of a Governor-General for each of the new Dominions with proviso however that until provision is made to the contrary by either of the new Dominions the same person may be Governor-General of both.

That is a pretty clear clause and normally it would be both unnecessary and inexpedient for a Minister here to say anything more about it. The House is aware that the appointment of a Governor-General is made by the King on the advice of his Ministers in the Dominion concerned and it would be wholly improper for H.M.G. in the United Kingdom to be in any way concerned.

But it is necessary for me to make some further comments because the position in relation to the appointment of the Governor-General of the new Dominions is exceptional. In the first place there is the procedure. It is not possible to follow normal procedure in this case. Under the Bill Governors-General will have to be appointed as from August 15th and although the two Countries become Dominions as from that date there can be no Ministers formally to advise the Crown until a Governor-General has been appointed and Ministers have taken office.

In these circumstances it was agreed with Indian Leaders and King's approval was obtained that Viceroy would consult recognised leaders of Congress and Moslem League as to whom they would wish to recommend for appointment as Governors-General. Then their advice would be tendered formally to the King by H.M.G. in U.K. This procedure would of course only apply in present case. I wish to emphasise fact that although appointments would be made on formal advice of Ministers here they were in fact recommendations of Indian leaders themselves.

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So much for exceptional procedure in present instance. But Viceroy has represented that it would be in the interests of all if some statement could be made at an early date about persons who are to be recommended for these posts. This again is most unusual procedure and I should inform the House that I have received the King's specific authority for referring to recommendations which are before him and to which assent cannot of course be given until Bill has become law.

It had been intimated to us that it would be most convenient to all concerned to have one Governor-General at least in initial stages and for some time we proceeded on this assumption. It has recently become clear however that Muslim League was in favour of a separate Governor-General to be appointed for Pakistan. It is obviously very desirable for this matter to be settled at the earliest opportunity in order that position may be understood in India and so that new Governors-General can prepare themselves to take over after August 15th. Both Congress and Muslim League who have been recognised in Bill as successor authorities have made recommendations which have been conveyed by H.M.G. to His Majesty.

While formal announcement must await the passing of the Bill His Majesty has intimated that he will be prepared to accept these recommendations as soon as Bill is passed. The recommendations are in favour of the present Viceroy as Governor-General of India and Mr. Jinnah as Governor-General of Pakistan. I wish to add that recommendation of Lord Mountbatten is also welcomed by Muslim League.[2] I am also informed that Muslim League have agreed that he should be Chairman of the Joint Defence Council, which will be responsible for Central Administration of the Armed Forces until such time as India and Pakistan are in a position to administer themselves. I am quite sure that the House will agree with me that this recommendation shows that Lord Mountbatten has carried his duties in India with complete impartiality and has won the confidence of all peoples of India.

I wish here and now to pay my tribute to Lord Mountbatten. Great benefits to the future of the whole continent of India would have followed from his appointment as Governor-General of both the new Dominions. However this is not to be. As a constitutional Governor-General his powers would not be as great as they were. He will act on the advice of Ministers in all matters. Nevertheless he has built up a remarkable position for himself with both parties in India and his wise counsel and great devotion to public cause without any thought of his own personal position will undoubtedly prove a most beneficial factor in the future development of India. *Ends.*

[1] No. 27.
[2] See Vol. XI, No. 509.

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29

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (I)

IMMEDIATE NEW DELHI, *9 July 1947, 00.10 am*
SECRET *Received: 9 July, 3.30 am*

No. 1846–S. I have now received Jinnah's nominations for Governors of Pakistan Provinces, which are as follows.
Sind Mr Ghulam Hussein Hidayatullah.
West Punjab Sir Francis Mudie.
N.W.F.P. Sir George Cunningham.
Baluchistan A new Governor to be appointed in place of the present A.G.G., Prior. Name will be telegraphed later.
East Bengal. Lord Killearn.[1]

2. Request permission to telegraph invitation to Lord Killearn to visit me immediately in Delhi to discuss this proposal with Jinnah.

3. Please use your best endeavours to persuade Sir George Cunningham to accept this appointment as Jinnah feels, in view of the great experience he already has, having been a successful Governor for five years, his acceptance would be invaluable.

[1] Lord Killearn eventually declined the governorship of East Bengal, see Vol. XI, No. 478, note 3.

30

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/10/102: f 16

IMMEDIATE NEW DELHI, *9 July 1947, 3.00 am*
CONFIDENTIAL *Received: 9 July, 6.15 am*

No. 1850–S. My telegram No. 1805–S[1] of July 7th paragraph No. 2. Following are Political Adviser's remarks.

Paragraph No. 3 of telegram No. 1805–S.

The consequences of lapse of paramountcy on attached units in Western India (the total population of which is less than 1,000,000) have been under constant examination in Political Department ever since the Cabinet Mission's memorandum[2] on States' Treaties and Paramountcy was published. I myself

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discussed question with Rau more than a year ago and explained to him how, in practice, the constitutional *lacuna* which distressed him so much would be filled by the building up of groups of States to which attached units could adhere if they wished to terminate their present affiliation to an attaching State. He does not know, perhaps, that such groups have now been formed.

Paragraph No. 4 of telegram No. 1805–S.

The insertion of "as" between the words "functions" and "exercisable" in Clause 7(1)(b) of Indian Independence Bill[3] seems pointless unless it is a device to give legal cover to assumption by Indian Dominion of paramountcy functions in relation to States. In view of paragraph No. 18 of H.M.G.'s Statement of June 3rd,[4] the insertion of this would be morally indefensible. It would also, in my opinion, be politically inexpedient.

Telegram No. 1806–S[5]

H.M.G. cannot transfer to a Dominion Government control over foreign relations of Indian States—vide paragraph No. 2 of Cabinet Mission's memorandum of May 12th 1946 on States Treaties and Paramountcy. The future of Chitral and other States on North-West Frontier of India is, in practice, inseparably bound up with that of neighbouring tribal areas and will necessarily be governed by whatever arrangements Pakistan makes with these areas.

In regard to petty States attached to larger States, the *constitutional*[6] position is that the Crown has absolutely no right to determine their future. The proposed provisos, apart from being *ultra vires* of British Parliament, would constitute a flagrant violation of H.M.G's policy and pledges reaffirmed in a paragraph No. 18 of their Statement of June 3rd.

In regard to *practical* position, Rau's apprehensions are exaggerated. The practical alternatives before these petty States are—

(A) Continued association with attaching State;

(B) Affiliation with recently constituted States groups in Gujarat or Kathiawar; or

(C) Incorporation in what is now British India.

It is inconceivable that these petty State units, which have been and will continue to be attached to larger States until August 15th, can succeed in isolating themselves, when even these larger States find themselves forced by economic and other factors to combine into groups.

[1] Vol. XI, No. 559. [2] Vol. VII, No. 262. [3] Vol. XI, No. 428, p. 785.
[4] *Ibid.*, No. 45. [5] *Ibid.*, No. 560.
[6] Words in italics underlined in original.

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31

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: f 62

IMMEDIATE INDIA OFFICE, *9 July 1947, 4.50 am*
SECRET *Received: 9 July, 1.00 pm*

No. 84. The King received me this afternoon[1] after seeing Prime Minister. His Majesty is convinced that you should accept Governor General of India and is I believe writing or wiring you himself.

2. On return from Palace I called on Prime Minister who showed me drafts of his two telegrams[2] to you. They seem to cover most points but Prime Minister would of course welcome your comments.

3. Am meeting Chiefs of Staff tomorrow morning.[3] They are being somewhat sticky about withdrawal of British troops and future defence arrangements in India.

4. Am also seeing Slim who is apparently disinclined to accept the job.[4]

5. Cunningham originally refused Governor, NWFP[5] but has since felt qualms that he is being selfish.[6] He arrives from Scotland to see me on Friday. I will then wire his final decision.[7]

[1] i.e. the afternoon of 8 July. [2] Nos. 27 and 28. [3] See No. 41.
[4] See Vol. XI, No. 519; see also No. 227, para. 7 in this Vol.
[5] See Vol. XI, No. 478, item 5.
[6] The reasons why Sir G. Cunningham originally declined the governorship of the N.W.F.P. but then had second thoughts are explained in his letters of 4 and 7 July to Sir A. Carter on L/P &J/7/12362: ff 134–5, 130–1.
[7] Sir G. Cunningham decided to accept the governorship of the N.W.F.P. after a discussion with Lord Ismay in London on 11 July. Cunningham's acceptance, together with the terms he suggested, were conveyed by Sir A. Carter to Sir G. Abell in tel. 8962 on the same day. *Ibid.*, ff 127, 124, 121–2.

32

Minutes by Mr I. D. Scott and Captain Brockman

R/3/1/160: f 103

9 July 1947

H.E's draft telegram below.[1]

2. In order to avoid a political crisis, it is suggested that two completely separate Governments should be formed as soon as the Bill is passed. The Government of the future India would have control over the existing

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Departments, and the new Government of Pakistan would have its own embryo (not shadow) Departments under as many Ministers as it liked to appoint.

3. Each Government would have complete freedom to decide matters (in anticipation of 15th August) which affected only its own territory. In actual practice, this would not mean a great deal, because until the division of assets, etc. is agreed, there would be little of substance which could be decided without agreement between the two Governments. On the other hand, Nehru could have his head, and issue any instructions he liked about planning etc. to his Provincial Governments, proceed forthwith to make any appointments he likes, and set up any Committees or Boards, etc. It may be that the psychological effect would be all that Nehru wishes for, and the Pakistan embryo Government could in turn make its own preparations, only it would be sitting in New Delhi instead of Karachi for a fortnight or so. Not only would this scheme avoid a crisis, but it would also have positive merits.

I. D. SCOTT

H.E. wants this scheme thought out. I am discussing with V.P. Menon

R.V.B.

[1] Not printed. For telegram as sent see No. 51.

33

The Nizam of Hyderabad to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/138: ff 115–16

CONFIDENTIAL HYDERABAD, DECCAN, *9 July 1947*

My dear Lord Mountbatten,

I have during the last few days seen Clause 7 of the India Independence Bill as reported in the Press. I regret that (as has so often happened in recent months) the clause, though it was closely discussed with British Indian leaders, was never disclosed to, much less discussed with me or any representative of my State. I am distressed to see that that Clause not only contains a unilateral repudiation by the British Government of the treaties which have for so many years bound my State and my dynasty to the British, but also appears to contemplate that, unless I join one or other of the two new Dominions, my State will no longer form part of the British Commonwealth. The treaties, by which the British Government many years ago guaranteed the protection of my State and my dynasty against external aggression and internal disorder, have been constantly and solemnly reaffirmed in recent years, notably by Sir Stafford Cripps in 1942.[1] I have been taught that I could safely rely on British arms and the

[1] cf. Sir S. Cripps's answer to Question 5 at his meeting with the Indian States Delegation on 2 April 1942 (Vol. I, p. 649).

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British word and I have been persuaded, in consequence, right up to the present to refrain from increasing my army and from establishing in my State factories for the manufacture of arms and equipment. Nevertheless, the repudiation in Clause 7 of the Bill has been made not only without my consent but without any consultation with me or with my Government.

(2) As Your Excellency knows, both before you went to England and while you were there, I asked that my State should be accorded Dominion Status when the British should leave India.[2] I have always hitherto felt assured that after more than a century of faithful alliance, during which I have reposed all my confidence in the British, I should certainly be able to remain without question within the family of the British Commonwealth.[3] Clause 7 appears to deny me even that. I still hope that no difficulty will be allowed to impede direct relations between me and His Majesty's Government. I was recently informed that Your Excellency had undertaken to ensure a pronouncement in Parliament to establish that such relations can be entertained.[4] My hope is that, once established, these relations will develop into closer union between my State and the British Crown to which, for so many years, I have been tied in faithful alliance.

(3) Meantime, I shall undertake and continue active negotiations with the new Dominions in order to reach sensible, practical arrangements for the transition period, so that the future of Indian States and India generally can be assured, so far as possible, in an orderly fashion.

(4) I feel bound to make this protest to Your Excellency against the way in which my State is being abandoned by its old ally, the British Government, and the ties which have bound me in loyal devotion to the King Emperor are being severed. I hope that Your Excellency will place my letter before His Majesty's Government.[5] I shall, for the present, refrain from publishing it, lest I should in any way embarrass my old friends and allies in the eyes of the world. I must, nevertheless, retain my right to publish it at a later stage, if it should become necessary in the interests of my State.

Yours sincerely,

MIR OSMAN ALI KHAN

[2] See Vol. X, No. 548. [3] cf. Vol. XI, Nos. 112 and 199.

[4] See Vol. XI, No. 261, also Nos. 326 and 360, minute 2.

[5] On 9 July Sir W. Monckton forwarded a copy of this letter to Sir E. Mieville as the original had been delayed in transit. Monckton urged that it should be placed before the Viceroy immediately and explained, with reference to No. 11, that there was no inconsistency between the Nizam's protest and his readiness to negotiate upon matters of common concern. R/3/1/138: f 114. On 10 July a copy of the Nizam's letter was sent by P.S.V. to the India Office. On 12 July Sir C. Corfield advised Sir G. Abell that he had discussed the question of a reply with Lord Mountbatten and that they had agreed that a detailed reply could be postponed until after the passage of the Indian Independence Bill. Accordingly on 15 July Lord Mountbatten acknowledged the letter stating that he had forwarded a copy to H.M.G. and that he hoped to let the Nizam 'have a reply shortly'. *Ibid.*, ff 133 and 141. Subsequent noting on this file indicates that, whether by intent or oversight—it is not clear which—no further reply was sent. *Ibid.*, f 221.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/148: f 58

NO. 746/16 *9 July 1947*

Dear Mr Jinnah,

The Governor of Bihar has reported to me that his Ministry is under considerable pressure to set up an inquiry committee into the Bihar riots of last November;[1] and he has suggested to me that such a committee would not be in the best interests of the local Muslim minority.

2. I should, therefore, like to enlist your good offices in persuading the Bihar Muslim League not to press this demand.[2] I am sure a committee of inquiry at this late stage, and in view of the present political developments would be bound to cause more injury to Muslims of that province.

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] See Vol. IX, No. 77.

[2] In tel. 80-S of 3 July Sir H. Dow had suggested to Lord Mountbatten that Mr Jinnah's influence should be used to persuade the local Muslim League to withdraw its demand for an inquiry which he was convinced would lead to a revival of communal trouble. In tel. 1854-S of 9 July Mountbatten informed Dow that he was writing to Jinnah along the lines suggested. R/3/1/148: ff 53, 57.

35

Rear-Admiral Viscount Mountbatten of Burma to Sir S. Cripps

Mountbatten Papers. Demi-Official Correspondence Files: Cripps

PERSONAL *9 July 1947*

My dear Stafford,

Thank you so much for your really charming and most encouraging letter of June 6,[1] which I only received yesterday since it came by all sea route. I return the envelope, since you may care to follow up the muddle by which a letter initialled personally by the President of the Board of Trade and marked "By bag" should have been sent by sea route.

I have today received the Prime Minister's and Pug Ismay's telegrams[2] about the Governor-Generalship of India. I am bowing to the advice and wishes of the Cabinet, the Opposition leaders, and The King; and incidentally to the wishes of both the Congress and the League leaders, and I am accepting—at all events *pro tem.*

[1] Not printed. [2] Nos. 26, 27, 28 and 31.

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I must, however, emphasise that I am most uneasy at joining up with one of the two sides after the 15th August when hitherto I have been at such pains to be completely impartial.

I am afraid there will be a lot of criticism of my action by one section of the community; although I realise that there would have been probably an equal amount of criticism from another section of the community if I had refused.

I am afraid I have not been very clever over handling this particular situation; and freely admitted my fault in my letter[3] to the Prime Minister. The only excuse I have to offer is that where one's own personal future is concerned one is more apt to slip up than in dealing with entirely impersonal matters.

My private information is that Mr Jinnah's immediate followers and advisers are horrified at the line he has taken; and it seems almost incredible that a man's megalomania should be so chronic as to cause him to throw away such material advantages to his own future Dominion for the sake of becoming "His Excellency" some eight months earlier than he would in any case have assumed that title.

Jawaharlal Nehru is convinced of this view; but Vallabhbhai Patel ascribes more sinister motives to Mr Jinnah and thinks that he wishes to set up a form of Fascist dictatorship with ultimate designs against the Dominion of India.

The one satisfactory feature is that Mr Jinnah has not only pressed me to be the Chairman of the Joint Defence Council, but assured me that the Muslim League Press would welcome the new arrangement.

Curiously enough only Edwina, my own Secretary and myself felt that I would be doing wrong in accepting this arrangement; the whole of the rest of my Staff were emphatic that I should accept.

Yours sincerely,

MOUNTBATTEN OF BURMA

[3] Vol. XI, No. 523.

36

Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

R/3/1/175: f 242

THE VICEROY'S HOUSE, NEW DELHI, *9 July 1947*

Dear Jenkins,

You will have seen in the Press the scheme for the partition of the Defence Services. The Commander-in-Chief has asked me urgently to impress on all Governors that, in order to carry out the proposed reconstitution of the Armed Forces, it is necessary that as many troops as possible should be released

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from their duties in aid of the civil power so that they can be concentrated in their normal locations.

2. I realise, of course, that you have the most difficult Province in India to handle at the moment, and that you may well be unable to allow any units to leave. It may, however, be possible for something to be done within the limits of the Punjab itself by way of transferring units from one area to another. I know I can rely on your co-operation with the Army Commander to do whatever is possible in this direction.

Yours sincerely,
MOUNTBATTEN OF BURMA

37

Minutes of Viceroy's Fifty-Fifth Staff Meeting, Items 1 and 2

Mountbatten Papers

SECRET

Those present during discussion of Items 1 and 2 of this Meeting held at The Viceroy's House, New Delhi, on 9 July 1947 at 12.15 pm were: Rear-Admiral Viscount Mountbatten of Burma, Sir E. Mieville, Sir C. Corfield (Item 2), Rao Bahadur V. P. Menon (Item 2), Captain Brockman (Item 1), Mr Sundaram (Item 2), Lieutenant-Colonel Erskine Crum

Item 1

GOVERNORS-GENERAL

The meeting considered two telegrams[1] which had been received that morning from the Prime Minister. The following was an extract from the first:

"I would ask you most earnestly to accept the Governor-Generalship of India during this period of transition."

The second contained the draft of a statement on the nominations of Governors-General for India and Pakistan, which the Prime Minister intended to make the following day in the House of Commons.

A draft reply to the Prime Minister, which had been prepared at a meeting of members of the staff earlier that day, was handed round.

HIS EXCELLENCY stated that he had finally decided to accept the Governor-Generalship of the Dominion of India alone during the period of transition. He wished it now to be put on record, though for the last time, that he was still most uneasy and unhappy about this decision. He considered, however, that, in view of the overpowering advice which he had received from London, he was choosing the lesser of two evils. He felt that it had been essential to send

[1] Nos. 27 and 28.

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Lord Ismay home, because His Majesty's Government had, in a way, been misled.

HIS EXCELLENCY stated that he had that morning shown Pandit Nehru and Sardar Patel[2] the draft statement which the Prime Minister intended to make. They could not have been more charming, and had made no criticism—in fact they had thought it admirable. He had told them that he considered that he was under an obligation to them to stay on and had only asked them to facilititate making clear the fact of his impartiality. They had replied that no-one would imagine that he was being partial. They had further agreed to reference, in the Prime Minister's speech, to the Muslim League's approval of his appointment.

HIS EXCELLENCY stated that the Congress leaders had said that they wanted him to stay on as long as he would, but he had insisted on retention of the formula "at all events for the transition period" because this meant that it would be possible to select, nearer the time, the date on which it would be possible to depart with honour. They had accepted this formula.

HIS EXCELLENCY THE VICEROY

(i) approved, subject to amendments which he indicated, the draft reply to the Prime Minister; and directed Pers. Sec. to despatch it;

(ii) directed Con. Sec. to draft, for his approval, a telegram to Lord Ismay asking him to obtain the Prime Minister's overall authority for him (Lord Ismay) and Sir Eric Mieville to stay on, and continue to be paid by H.M.G., after the transfer of power.

Item 2

THE STATES

RAO BAHADUR MENON and MR SUNDARAM put forward the suggestion, which had originally been made by Sir George Spence, that the proviso to Clause 7 of the Indian Independence Bill should be amended to include agreements other than only those which related to customs, transit and communications, posts and telegraphs, or other like matters.[3]

SIR CONRAD CORFIELD said that he would have had no objection to such an amendment if it had been incorporated in the Bill before issue. However, to make the amendment now would be likely to cause suspicion and lead to difficulties.

HIS EXCELLENCY THE VICEROY said that at his interview, just before the present meeting, with Pandit Nehru and Sardar Patel, they had asked him what he was going to do to help India in connection with her most pressing difficulty—relations with the States. He had replied that he had already started to help in this matter and would now make the cause of agreement his primary consideration. He had said that he wished to pay tribute to Pandit Nehru for having agreed that States need only join the Centre on the three main central subjects; and to Sardar Patel for the statement which the latter had issued three

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days previously.[4] He had said that, if the task could be tackled on that basis, he would throw himself heart and soul into the cause of obtaining agreement. He had made the point that, in meetings with representatives of the States, it would be desirable for him to see the States' representatives alone first, accompanied only by his own staff. He would then have discussions with the States Department, and if necessary also Pandit Nehru, unilaterally. He would then hold further meetings with each side to narrow down the points of disagreement; and it was only when he was confident that agreement would be reached that he would bring the parties together. Pandit Nehru and Sardar Patel had agreed to this proposal.

HIS EXCELLENCY said that he had received a letter from Sardar Nishtar[5] and a verbal complaint from Mr Jinnah to the effect that the former was not being associated, as had been intended, with the work of the States Department. He had pointed out to Pandit Nehru and Sardar Patel that they had agreed that some States would have to go to Pakistan; and they had now agreed to his suggestion that Sardar Nishtar should have access to the Secretary of the States Department. He would therefore reply to Sardar Nishtar to this effect and add the point that the Deputy Secretary of the States Department was a Muslim officer.

HIS EXCELLENCY, reverting to Rao Bahadur Menon's suggestion to amend the proviso to Paragraph 7 of the Bill, said that he would be prepared, if this was done, to inform States' representatives that it had been done not under Congress pressure but on his own personal responsibility. He would offer also to give them all the help they required in denouncing such provisions as they wished to.

SIR CONRAD CORFIELD said that he was still of the opinion that any amendment at the present stage would make the States suspicious. He would prefer the wider matters to be covered by standstill agreements.

RAO BAHADUR MENON emphasised that all standstill agreements might not be completed by 15th August, especially if, as he recommended, His Excellency made it his first object to persuade the States to accede to the Centre for the three central subjects. HIS EXCELLENCY agreed that this should indeed be his primary object.

After further discussion, and consideration of the various points of view HIS EXCELLENCY decided that the arguments in favour of not amending the proviso to Clause 7 were overriding.

HIS EXCELLENCY THE VICEROY:

(i) decided that no further action should be taken on the suggestion to

[2] No record of this meeting has been traced.
[3] See Vol. XI, Nos. 559 and 560, also No. 30 in this volume.
[4] See Vol. XI, No. 528
[5] Not traced.

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amend the proviso to Clause 7 of the Indian Independence Bill;

(ii) decided that he would reply to the letter which he had received from Sardar Nishtar to the effect that Pandit Nehru and Sardar Patel had agreed that Sardar Nishtar should have access to the Secretary of the States Department; and by pointing out that the Deputy Secretary of that Department was a Muslim officer.

38

Lord Ismay to Mr Churchill

Mountbatten Papers. Official Correspondence Files: Indian Independence Bill—Draft Bill, Part II(b)

INDIA OFFICE, *9 July 1947*

My dear Mr Churchill,

The Viceroy has, in the last day or two, received two Notes[1] from Mr Jinnah, with the request that they should be communicated to the Prime Minister and to yourself. These Notes were telegraphed to me at the India Office, but I quite forgot to bring them with me to Chartwell yesterday.[2]

I am sending them down today by a special messenger, who has instructions to wait for any message you may have to send back.

If I may add my own comment on these requests of Mr Jinnah, it is that both of them are quite impracticable.

Yours ever,

PUG

[1] See Vol. XI, No. 536 and Enclosure to No. 548.

[2] In a letter dated 8 July 1947 to Mr Harris at the India Office, Mr Rowan explained that the Prime Minister had discussed Mr Jinnah's notes at a meeting with the Opposition leaders that morning and that he had been instructed by the Prime Minister to ask Lord Ismay, who was going to Chartwell, to deliver copies to Mr Churchill. L/PO/6/122: f 53.

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The Earl of Listowel to Mr Attlee

L/P&J/10/102: ff 29–34

INDIA OFFICE, *9 July 1947*

Secretary of State's Minute: Serial No. 118/47

Prime Minister,

I think that it would be desirable if, in the course of your speech introducing the Indian Independence Bill in the House of Commons, you said something about the position of the Indian States and I attach a note, which has been agreed with the Viceroy, indicating the points which it would be desirable to make.

2. It may be that in the course of the Debate questions will be asked as to the relationship of the States after 15th August with the world at large, the application to them of international engagements entered into in the past on their behalf as part of India, and whether we propose to continue to treat Indian Rulers and their subjects as British protected persons by giving them passports. My view on this, with which the Foreign Office concur as well as the Board of Trade and the Board of Customs and Excise as regards the treatment of Indian States, is that, as we do not propose to recognise the independence of the Indian States, what happens on 15th August makes no change in their international status and that, while we should do nothing to discourage the States from associating themselves for international purposes with one or other of the new Dominions, we should, during what we hope will be a short interval, continue to give them the benefits of international engagements, admit their goods into the United Kingdom at British preferential rates, give diplomatic protection to Indian Rulers and their subjects abroad, and arrange for the United Kingdom High Commissioner in India to give them passports insofar as they are unwilling to accept such facilities from the Indian Dominions.[1]

3. There is some advantage in giving publicity to our intentions in these matters, as this would serve to discourage Foreign Powers entering into direct relations with the Indian States. The Viceroy has, however, urged[2] that we should make no public statement on these points and they are therefore omitted from the attached note. A Conference between Sardar Patel and representatives

[1] In tel. 1822–P of 9 July Sir C. Corfield informed Sir P. Patrick that he had consulted the Viceroy and V.P. Menon and 'We consider that issue and renewal of passports by U.K. High Commissioner would constitute a continuation of direct relations of Crown with Indian States contrary to provisions of Clause 7(1)(b) of Indian Independence Bill. Proposal would embarrass High Commissioner and would cause grave suspicion in minds of successor authorities. It would also remove inducement to States to associate themselves with new Dominions.' R/3/1/138: f 98.

[2] In telegram 1826–P of 7 July Lord Mountbatten suggested that these points should be omitted as they raised controversial issues which had already been adequately covered in the introductory paragraphs of the proposed Statement on the States. R/3/1/138: f 102.

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of the States will take place at Delhi on 11th July[3] about the future relations between the States and the new Dominions and the chance of the States agreeing to associate themselves with the new Dominions in matters of common concern might be prejudiced if, at this stage, we made a public statement of our intentions.

4. In these circumstances I suggest that if questions on these points are made in the Debate in the House of Commons, Mr. Henderson, in replying for the Government, should remind the House that, as was explained in the Cabinet Mission's memorandum of 12th May 1946[4] on the position of the States, it is our hope that the States will either enter into a federal relationship with the new Dominions or, failing this, enter into particular political arrangements with them, that a meeting to discuss these matters has been arranged to take place on 11th July at Delhi between representatives of the Indian States and of the Indian political parties and that he does not wish to add anything to what you will have said earlier in the Debate regarding the Indian States at the moment.

5. At the same time I have warned[5] the Viceroy that we may find it impossible to avoid dealing with these matters in the House of Lords next week, by which time the results of the meeting at Delhi on 11th July will be available.

LISTOWEL

Enclosure to No. 39

NOTE REGARDING INDIAN STATES FOR USE IN DEBATE ON INDIAN INDEPENDENCE BILL[6]

The Cabinet Mission in their memorandum of 12th May 1946 informed the States that His Majesty's Government could not and will not in any circumstances transfer paramountcy to an Indian Government. With the transfer of power to two Indian Dominions it is necessary to terminate the paramountcy and suzerainty of the Crown over the Indian States, and with them the Political engagements concluded under paramountcy and the mutual rights and obligations of the Crown and the States which derive therefrom.

2. An important element of these rights and obligations concerns the protection of the States against external aggression or internal subversive movement, and the methods whereby the Paramount Power has in the past influenced the policy of the States so as to enable it and them to fulfil such undertakings. A feature running through all our relations with the States has been that the Crown has conducted their foreign relations. They have received no international recognition independent of India as a whole.

3. The States are part of geographical India and their rulers and peoples are imbued with a patriotism as no less than that of their fellow Indians in the

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Provinces of British India. It would be retrograde and contrary to the interests of the two Dominions now to be constituted, as well as of the rulers and peoples of the States, if owing to the formal severance of their paramountcy relations with the Crown they were to become islands cut off from the rest of India, with no share in the policies or development of the new Dominions or in their relations with the world at large. The termination of their existing relationship with the Crown need have no such consequences.

4. His Majesty's Government firmly hope that all the States will in due course find their appropriate place within one or other of the new Dominions within the British Commonwealth. Until the Constitutions of the Dominions have been framed in such a way as to include the States as willing partners, there must necessarily be a less organic form of relationship between them and there must be a period before a comprehensive system can be worked out. The immediate establishment of a standstill arrangement between the States and the two Dominions, in order to ensure continuance in particular of existing financial and economic arrangements vital to India, such matters as posts, telegraphs, customs, communications and similar matters, must be the first requirement. The proviso to Clause 7(1) of the Bill is designed to secure the continuance of the existing arrangements in this field until there has been time for detailed negotiations between the parties.

5. After the transfer of power more detailed and binding arrangements will need to be concluded between the Dominions and States Governments. It may well be that these arrangements will in their turn be superseded by a more organic cooperation between the States and the Dominions, whereby the States will become elements of their Constitutions when perfected by their respective Constituent Assemblies. These later arrangements will, of course, take time to conclude and the transition of the States from lapse of paramountcy into a free association with the new Dominions is a process naturally requiring proper discussion and deliberation.

6. His Majesty's Government welcome the active steps being taken to set up States Departments of the new Dominions to handle negotiations with States Governments and we trust that this will facilitate the negotiation of the arrangements to which I have referred.

7. If I am asked what would be the attitude of His Majesty's Government to any State which, having weighed all the considerations, has decided to cut adrift from its neighbours and assert its independence, I would say to that

[3] The Conference was in fact scheduled for 25 July.
[4] Vol. VII, No. 262.
[5] See No. 85, note 1; cf. also No. 23.
[6] For Mr Attlee's subsequent statement, which did not follow the wording of this draft exactly, see *Parl. Debs.*, 5th ser., H. of C., vol. 439, 10 July 1947, cols. 2451–2. See also No. 262, notes 3 and 4.

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State "Take your time and think again. We shall not be content to accept your decision and its consequences until we are satisfied that you are fully seized of the conditions offered and have irrevocably decided to reject them."

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Mr Christie to Sir G. Abell

R/3/1/154: f 116

INDIA OFFICE, *9 July 1947*

My dear George,
I enclose Nehru's letter to Lord Ismay,[1] which was handed to him just as he was leaving Delhi. I gather you must have had a copy, at any rate of the enclosure, as that has been already telegraphed to the India Office.[2]

2. The answer here is that, unless H.E. has any comments, nothing further can be done to meet Congress on the points raised. The note enclosed with Nehru's letter has been circulated to the Cabinet Committee, who have, so far, made no comments, and are not likely to make any.

3. The India Committee were absolutely clear that they could not alter the Bill further to meet the Congress request to emphasise more strongly that India is the international successor State.[3] It was felt that this was ultimately a matter for U.N.O. and foreign powers to decide, that the Bill gave them a lead, and that if we went further in the Bill there might be trouble with the Muslims. It is difficult to take seriously the point in paragraph 3 of the Congress note.

4. The proviso about States Agreements was inserted after a long discussion, and with a good deal of reluctance. It was felt to be vital that it should say that the States could repudiate the Agreements whenever they wanted to. In paragraph 4 of the Secretary of State's telegram No. 8653 of the 5th July[4] the reasons were given why the Congress request about Clause 19(3) could not be entirely met.

5. Would you very kindly let Nehru have a suitable acknowledgment to his letter?

Yours sincerely,
JOHN CHRISTIE

[1] See Vol. XI, No. 535, note 1. [2] *Ibid.*, No. 535. [3] *Ibid.*, No. 486, Minute 3.
[4] *Ibid.*, No. 514.

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Chiefs of Staff Committee: C.O.S.(47)86th Meeting, Minute 2, Confidential Annex

L/WS/1/1046: ff 220–6

Those present at this Meeting held on 9 July 1947 at 11 am were: Admiral Sir John H. D. Cunningham (in the Chair), Lieutenant-General Sir Frank E. W. Simpson, Air Marshal Sir William Dickson, Lieutenant-General Sir Leslie C. Hollis

The following were also present for Minute 2: Mr A. V. Alexander, Lord Ismay, General Geoffry A. P. Scoones

2. INDIA

Previous Reference: C.O.S.(47)85th Meeting, Minute 3)[1]

SIR JOHN CUNNINGHAM referred to a Secretary's minute covering a copy of a letter[2] which had been sent to the India Office concerning a draft reply[3] to a telegram[4] from the Viceroy about the withdrawal of British forces from India. He handed round a note[5] setting out the reasons which had led him to withhold concurrence from the draft reply to the Viceroy. He emphasised the importance he attached to negotiations with the Indian leaders on defence matters being opened before the 15th August 1947, and felt strongly that until those negotiations were opened, no further concessions should be made by H.M.G. He considered that otherwise there was a grave danger that, before negotiations on defence matters were opened, all possible concessions would have been made to the Indian leaders, and we should therefore be left with no bargaining counter to offer in exchange for the granting of defence facilities in India.

SIR FRANK SIMPSON said he was in general agreement with the note circulated by the First Sea Lord. He referred to paragraph 5 of the latest telegram[6] from the Viceroy containing his advice on the method of negotiation on defence matters and said he had seen no other assurance that the new Dominion Governments would be in a position to protect British lives in India.

As regards defence against external attack, he questioned whether the Indian Army would be in a position to repel aggression on the North West frontier at a time when it would be in the process of re-organisation. He thought that Mr Jinnah might well be forced to call on us for help in this matter and that if such help were forthcoming, there would be more chance of obtaining his agreement to our other defence requirements. Further, Mr Jinnah had recently stated his wish that discussion regarding the Andaman and Nicobar Islands be started before the 15th August. He did not understand,

[1] L/WS/1/1091: ff 9–11. [2] *Ibid.*, f 7. [3] Not printed. For the reply as sent, see No. 50.
[4] Vol. XI, No. 511. [5] See Enclosure. [6] Vol. XI, No. 556.

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therefore, why the Viceroy advised against opening again negotiations with Indian leaders on defence matters before the 15th August.

SIR WILLIAM DICKSON was also in general agreement with the note circulated by the First Sea Lord. Since it had been decided, for political reasons, that no reference should be made to our defence requirements in the Indian Independence Bill, he too felt it was most important that negotiations on our defence requirements should begin with Indian leaders before the 15th August.

As regards the withdrawal of British troops from India being completed by the end of December 1947, as advised by the Viceroy, he pointed out that the only transport aircraft available in India at present, and until the new Dominions were properly equipped, were Royal Air Force Transport Squadrons in the area of Karachi and Mauripur. If it was intended that these transport squadrons should be withdrawn by the end of this year, movement would have to begin at an early date. He thought it was most inadvisable both from our and the new Dominions' points of view, however, to withdraw these squadrons, since they provided the only means by which internal air communications in India could be maintained, and by which British personnel could, in an emergency, be evacuated by air. Further, by retaining Royal Air Force Transport Squadrons in India, the transit facilities we required in connection with air routes to the Far East could best be assured. He suggested, therefore, that this point should be made to the Viceroy in replying to his telegram regarding the withdrawal of British troops.

LORD ISMAY said that partition of the Indian Army was being carried out in two phases. The first phase, which it was hoped to complete by the 15th August, consisted of the transfer of units down to company and squadron level between the two Dominions on a communal basis. The second stage, which would be a much longer term operation, was to re-distribute individuals to the Dominion they preferred. Thus, it would be possible for a Hindu to be a member of the Army of Pakistan by his own wish, if, for family reasons, he wished to be stationed in that Dominion.

It was envisaged that each of the new Dominions would have their own Commanders-in-Chief, who would be British Officers electing to serve with the Dominion forces. Other senior appointments would be filled by British Officers who similarly elected to serve in those forces.

After the 15th August, there would be a Joint Defence Council, at which the Governor-General would take the Chair in his personal capacity, and which would consist of the two Defence Members of the Dominions and General Auchinleck. Administration of the two Armies would continue to be the responsibility of General Auchinleck and G.H.Q., India until the Dominions were in a position to provide for the administration of their own forces, but operational control over the two Armies would, after the 15th August, cease to be centrally controlled.

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As regards the withdrawal of British forces, he thought the Viceroy wished to draw attention to the anomalous position which British forces would be placed in after the 15th August. There would, after that date, remain in India, 6 brigades distributed throughout the main cities in India. In the event of there being a flare-up on the North West frontier, these forces would be quite inadequate substantially to alter the course of operations, since they were not trained in frontier warfare, nor were they in sufficient numbers; to be of use several divisions would be required. He thought that if the North West frontier was threatened Pakistan would have to approach India for assistance. Similarly, as regards internal security, British forces would be inadequate to protect British lives. Nor was it possible, in advance, to make workable plans for the evacuation of British personnel who elected to remain in India at their own risk. He emphasised that on the 15th August, India and Pakistan were to be established as independent Dominions, and the entire responsibility for internal security measures in India would thereafter be their responsibility.

It was envisaged that as soon as the new Dominions were in a position to negotiate, discussions would be carried out simultaneously on defence, economic and fiscal matters. Until the 15th August, the Governments of India and Pakistan would not be in existence, and such negotiations with them could not therefore take place. The two Indian leaders were already fully occupied and Mr Jinnah had no Government or body to which he could refer for advice or authority. After the 15th August, however, each Government would have its own Service advisers. He emphasised that the Viceroy was most anxious to build up a feeling of goodwill in India, and did not therefore wish to take any steps which might upset the already delicate situation obtaining there. He quoted, as an example of the improvement of the position, the recent unexpected request by Pandit Nehru for British officials to remain in the two biggest Provinces in India.

He (Lord Ismay) appreciated the reasons which prompted the Chiefs of Staff to press for negotiations to begin before the 15th August, and he suggested that the Viceroy be informed of their views, and of our detailed defence requirements in India. He emphasised that these defence requirements could not be obtained by compulsion, and could not therefore be safeguarded except by treaty or arrangement; it was only by establishing goodwill that these requirements could be obtained. He thought the method of presentation to Indian leaders of considerations affecting Commonwealth defence, required most careful consideration, and he suggested that this should be left to the judgment of the Viceroy.

THE MINISTER OF DEFENCE (who entered the meeting at this stage) said that at a meeting[7] of the India and Burma Committee earlier in the week, he

[7] Vol. XI, No. 564, Minute 2.

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had presented the views of the Chiefs of Staff on our defence requirements in India, with which he was in general agreement. During discussion at that meeting, he had raised the question of responsibility for the defence of India against external attack after the 15th August. It had been stated that this would become the entire responsibility of the Indian forces and a telegram[8] had subsequently been despatched asking for the views of the Commander-in-Chief as to the probable capacity of the Indian forces to provide for defence against external aggression.

LORD ISMAY said he had not yet seen any reply from the Commander-in-Chief on this question. The Indian Army had for some time held responsibility for operations on the North West frontier, and he did not think that the capacity of the Indian Armed Forces to deal with frontier troubles would be substantially lessened by the withdrawal of 6 British brigades from India. He emphasised that there was only one British battalion within reasonable access of the frontier, namely in Peshawar. Further, it was hoped that if the North West frontier came under Mussulman domination, there would be less chance of trouble. He also pointed out that during the interim period, no steps would be taken to continue demobilisation of the Indian Armed Forces, and nationalisation would be halted. It was hoped that sufficient British Officers would volunteer to serve in the Indian forces at least until re-organisation was complete.

THE MINISTER OF DEFENCE, referring to paragraph 6 of the latest telegram[9] from the Viceroy, said he fully realised the difficulties confronting the Viceroy, and the reasons, therefore, why he had urged that no statement should be made in Parliament on defence matters. He thought, however, the Government might be placed in a position during the coming debate in the House of Commons, in which they would be forced to make some statement. He was anxious that some formula should be drawn up which, with the approval of the Chiefs of Staff and the Viceroy, could, if necessary, be made during that debate. In the circumstances he thought it might be sufficient to say that H.M.G. were not unmindful of the effect on Commonwealth defence matters of the granting of Dominion status to India and Pakistan. He supported the view of the Chiefs of Staff that Indian leaders should at least be informed of the general nature of our defence requirements but agreed that detailed discussion could await the establishment of the two Dominions. He thought it might be advisable to include some statement to this effect also in any statement which it might be necessary to make in the House of Commons. He would agree, therefore, to the Viceroy being approached on this matter and to be informed of the details of our defence requirements on the lines suggested in a report,[10] at present under consideration by the Chiefs of Staff.

LORD ISMAY undertook to submit, for the consideration of the Prime Minister, a draft telegram to the Viceroy on the lines suggested by the Minister

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of Defence. He emphasised that India and Pakistan could not be compelled to co-operate in defence matters, and that the method of presentation of our case to the Indian leaders was a matter best left to the judgment of the Viceroy. He also considered it most important to include, in any statement made on the subject, reference to H.M.G's wish that any agreements concluded with India and Pakistan on defence matters should, in principle, be identical.

At this point, the MINISTER OF DEFENCE left the meeting.

In discussion, the CHIEFS OF STAFF were in agreement that the action suggested by the Minister of Defence would meet their immediate requirements and that, therefore, they were prepared to concur in the terms of the draft reply[11] to the telegram from the Viceroy on the withdrawal of British troops, prepared by the India Office, subject to the incorporation of amendements[12] attached to a Secretary's minute and the inclusion of the point made above by the Vice Chief of the Air Staff regarding the inadvisability of withdrawing Royal Air Force Transport Squadrons from India by December 1947.

'X' LORD ISMAY undertook to convey to the Prime Minister the views of the Chiefs of Staff expressed in discussion, and to recommend that two telegrams be despatched to the Viceroy, one dealing with the withdrawal of British forces, and the other with negotiations regarding our defence requirements including the text of a proposed statement which might be made during the course of the second reading of the Indian Independence Bill in the House of Commons in case of necessity.

SIR FRANK SIMPSON suggested that the Principal Administrative Officers Committee be invited, in consultation with the India Office and the Ministry of Transport, to examine the implications of the accelerated withdrawal of British forces from India, as suggested in the Viceroy's telegram,[13] on this subject.

There was general agreement with this suggestion.

THE COMMITTEE:

(a) Took note that Lord Ismay would inform the Prime Minister of their views above and would recommend the action referred to at 'X' above.[14]

(b) Invited the Principal Administrative Officers Committee to examine, in consultation with the India Office and the Ministry of Transport, the

[8] See No. 44 and its note 1.
[9] Vol. XI, No. 556.
[10] See *ibid.*, No. 554 and its note 1.
[11] See note 3.
[12] These amendments referred to the retention of British transport squadrons in India beyond the date of the transfer of power. L/WS/1/1091: ff 4–5. In all other respects the telegram sent to the Viceroy (No. 50) was the same as the draft that had been prepared.
[13] Vol. XI, No. 511.
[14] See L/WS/1/1091: ff 4–5, also Nos. 49 and 50 of this Volume.

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administrative implications of the accelerated withdrawal of British forces from India, and to report.

(c) Expressed general agreement with a report by the Joint Planning Staff containing a review of our strategic requirements in India.[15]

Enclosure to No. 41

INDIA. DEFENCE

NOTE BY THE FIRST SEA LORD

9 July 1947

The Chiefs of Staff requirements on this subject were sent to the India Office in October 1946.[16] These were reconsidered from time to time, and at the end of June the India Office held a meeting to consider the methods to be put in hand to obtain British military requirements in India. On the 3rd July, the Secretary of State for India telegraphed to the Viceroy with a view to initiating talks with the Indian leaders.[17]

2. The Viceroy has raised objections[18] to discussing our requirements, for reasons which I consider to have no weight. His principal reason is an objection to negotiating merely with Indian party leaders, until they have assumed responsibility. Answers to this objection are easily seen in the fact that he is prepared to discuss transit facilities for military aircraft, and that he has discussed the sale of a Cruiser to the Indian Cabinet, while the C.I.G.S. has had serious discussions with Jinnah and Nehru on the future employment of British troops in India and on the acceleration of the withdrawal of British troops.

3. Meanwhile, our defence requirements appear to be going by default. One such decision has led to our abandoning the bargaining position respecting the Andaman and Nicobar Islands. Recent telegrams from India emphasise the acceleration of the withdrawal of our troops and also emphasise that they are to have no role, whether of internal security or external defence.

4. This method of dealing with such subjects piecemeal in practice only means concessions to Indian sensitivity, while no attempt has been made to raise any questions on which the Indian leaders might bargain, or to press considerations to which they would not immediately agree. An example of the way this attitude works is the argument in the Viceroy's telegram 1744-S, paragraph 6(a),[19] to the effect that British forces must be withdrawn early from Pakistan, because Mr Jinnah hopes to be able to use them, while they must equally be withdrawn from India, because the Viceroy is convinced that Nehru wants them to go, although Nehru has not said so.

5. I do not suggest we should attempt to reconsider the various matters that have been discussed in recent telegrams, but I do suggest the time has come to

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cease piecemeal decisions, and to clear the desk of such correspondence. Instead, it is urgently desirable that our defence requirements in India, as set out in J.P.(47)90,[20] should be considered as a whole, and secondly that negotiations be opened with the Indian leaders on defence questions, equally regarded as a whole.

6. There are two fundamental reasons why these negotiations should be opened before, not after, August 15th—

Firstly, the more we delay, the more the Indian leaders would be in a position to say that we cannot have regarded these as of great importance, because we only put them forward at a late hour.

Secondly, before August 15th, the Viceroy is the supreme authority, and both sides sit at his table, after that date he, and the British Service representatives, are outsiders.

[15] See Vol. XI, No. 554 and its note 1.
[16] See Vol. VIII, No. 408. [17] Vol. XI, No. 487. [18] *Ibid.*, No. 556.
[19] *Ibid.*, No. 511. [20] See *ibid.*, No. 554 and its note 1.

42

Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/162: ff 64–5

MOST IMMEDIATE NEW DELHI, *9 July 1947, 3.00 pm*
SECRET *Received: 9 July, 2.35 pm*

No. 1851–S. Personal and Private for Prime Minister. Your 81 of July 8th.[1] I am most grateful for all the thought that the King, yourself, the Cabinet and the Opposition have given to this question. In view of your personal appeal and the overwhelming advice of all parties I feel, in these special circumstances, that I cannot but agree to have my name submitted to His Majesty for appointment as Governor-General of the new Dominion of India during the transition period, although I must confess I still have some misgivings.

2. Your 82 of July 8th.[2] I have discussed the whole matter with Nehru and Patel and have read them the statement you propose to make. They agree entirely with the text and also have no objection to the reference to the Muslim League's approval of the appointment.[3]

3. I have the following amendments to suggest to the text:

(a) Penultimate paragraph—add new sentence: "He has expressed his

[1] No. 27. [2] No. 28.
[3] On 10 July Lord Mountbatten sent Pandit Nehru, Sardar Patel and Mr Jinnah a copy of an extract from the speech which Mr Attlee was making in Parliament that afternoon during the debate on the second reading of the Independence Bill. R/3/1/162: ff 67–9.

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willingness in the special circumstances to serve in this capacity, at all events during the transition period."

(b) Last paragraph—delete fourth and fifth sentences and substitute: "As constitutional Governor-General he will, of course, act on the advice of his Ministers in all matters."

(c) Last words of last sentence should perhaps read: "The future development of the whole continent of India."

4. I consider it essential that a Press announcement should be made here concerning the appointment of the two new Governors-General at the same time as you make your announcement in the House of Commons. I should be grateful if you would telegraph me most immediately text of such announcement and time it should be released.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Gandhi

Mountbatten Papers. Viceroy's Interview No. 159

9 July 1947, 4–5.45 pm

I think and hope that I have satisfactorily cleared up the misunderstanding referred to in his letter of the 27th/28th June, 1947.[1] I told him that my sole object up to 15th August was to ensure a peaceful and efficient transfer of power to the two Dominions in accordance with the will of the people of India and their respective future Governments. He next raised with me the fear which he had expressed consistently in his recent post prayer meetings that the British would leave a legacy of war, and that the partitioned armies would be left in a state in which there was every likelihood that they would be used for making war on each other.

2. I told him that of course I shared his view that nothing should be left undone which would ensure the removal of the threat of war between two neighbouring members of the British Commonwealth.

3. I told him in confidence that Lord Ismay was this day seeing the British Chiefs of Staff to discuss the future Commonwealth defence arrangements with particular reference to India. While I could not prophesy what would be the outcome of those discussions, I hoped that they would result in defence discussions between the United Kingdom, Pakistan and India taking place after the 15th August and before 31st March.

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4. I pointed out that the institution of the Joint Defence Council which would last until at least that date, would remove all risk of war before that date, and that this gave us eight months in which to arrange some form of agreement which would reduce the chances of the two Countries fighting each other.

5. I pointed out that the greatest guarantee for the future peace of the Indian Sub-Continent lay in both nations remaining members of the British Commonwealth. He reproved me for using the word 'nations' and invited me to use States or Countries instead.

6. I further pointed out that so long as Pakistan and India remain within the Commonwealth, there was no reason why a Commonwealth Conference should not be called to Delhi since this was the most central capital in the whole Commonwealth, and at such a meeting arrangements could be discussed which which would ensure other members of the Commonwealth devising means to prevent Pakistan and India from making war on each other.

7. We next discussed the question of the Indian States. He asked me to do everything in my power to ensure that the British did not leave a legacy of Balkanisation and disruption on the 15th August by encouraging the States to declare their independence, or by leaving the arrangements between the States and the Dominions of India and Pakistan in a state of chaos.

8. He further went on and said that H.M.G's decision about Berar returning to the Nizam was a crime.

9. I told him that I had already invited H.E's representatives to meet me on the 11th to discuss the questions of Berar and Secunderabad. I told him that on the 25th July all States including Hyderabad would send representatives to discuss the stand-still agreement, and I hoped also the terms under which they would join one or the other Dominion.

10. I told him that since Pandit Nehru had authorised me[2] to negotiate in the first instance alone with the States representatives on the basis of their being granted full membership of the dominion on adhering only to the three Central subjects mentioned in the Cabinet Mission plan, I felt very hopeful of being able to bring in almost every State including even Travancore.

11. I made it a condition however that no leaders must make any more threatening or provocative speeches.

12. I told Mr Gandhi "You always talk about wooing people, and yet in the case of the States, you threaten. Would you woo a girl you wanted to marry with a stick and expect her to accept?" He laughed and admitted the

[1] Vol. XI, No. 382.
[2] See No. 37, Item 2.

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truth of this statement, and said he would make no statements that would embarrass my negotiations.

44

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/82: f 42

IMMEDIATE NEW DELHI, *9 July 1947, 7.00 pm*
PRIVATE *Received: 9 July, 6.35 pm*

No. 1867–S. Your Private telegram No. 83 of July 9th.[1] Commander-in-Chief points out that for a long time past we have relied on Indian Army for the defence of the N.W. Frontier. There is only one British Battalion now on the Frontier and that is purely for Internal Security purposes in Peshawar. He adds that it is a completely outworn idea that British troops are needed on the Frontier provided that the Indian Army remains reliable and efficient as they are today.

Commander-in-Chief is therefore satisfied that withdrawal of British troops will not affect ability of Indian Army to protect N.W. Frontier.

[1] In tel. 83 of 9 July Lord Listowel had asked Lord Mountbatten to confirm that the withdrawal of British troops would not affect the ability of the Indian Army to protect the North West Frontier. L/WS/1/1092: f 260.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/165: ff 3–10

TOP SECRET GOVERNMENT HOUSE, PESHAWAR,
NO. GH–116 *9 July 1947*

Dear Lord Mountbatten.

THE POST-REFERENDUM PROBLEM IN THE N.W.F.P.

1. I have been trying to foresee the situation which will arise after the declaration of the result of the Referendum, which should be on 19th July. There is little time left, and I must be clear as to what action I shall have to take. That action must of course have Your Excellency's approval.

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2. The object, as I see it, is to ensure peaceful and orderly conditions in this Province until we hand over power on the 'appointed day', and to hand over in such a way as to give the successor Government a fair and reasonable start.

3. Before outlining the courses open there are certain *factors* I wish to mention:

(i) RE-ACTIONS TO A COALITION GOVERNMENT

(a) It seems to me that a Coalition Government would offer the best prospects of achieving the object. I have had discussions, separately and privately, on the subject with Dr. Khan Sahib and Mr. Chundrigar. I put the various alternatives which I list in para 4 below to each of them. I mention their specific reactions to these points later, in the appropriate sub-paras of para 4. Here I deal only with the general reactions of Dr. Khan Sahib and Mr. Chundrigar to the idea of a Coalition Government to cover the period between the announcement of the result of the Referendum and either the appointed day or the holding of a General Election under the new Pakistan Constitution.

(b) Dr. Khan Sahib when I first put the problem to him on 5th July was emphatic that there could be no question of a Coalition. His party could never work with the Muslim League. On 7th July however, while declaring that he himself could never participate in a Ministry which stood for Pakistan, he said that he would not rule out the possibility of some of his colleagues being willing to take their place in a temporary Coalition Ministry on the grounds that Pakistan was temporarily inevitable, i.e. they would perhaps accept portfolios until a new General Election was held.

He did however say that, should there be a clear vote in favour of Pakistan, he himself would certainly resign and thought that his colleagues would too, though he could not say for certain what the decision of the party would be.

I am not sure what he would regard as a 'clear vote'. I am however informed that he told a press representative that he would regard a vote of 31% of the electorate in favour of Pakistan as decisive.

Apropos of this about 65% of the electorate voted at the last election. Voting in the Referendum has so far been heavy.

(c) Mr. Chundrigar, whom I also saw in private, later, on 7th July, and again on 8th July, was adamant that there could be no Coalition Government unless the Congress Party accepted Pakistan, a contingency which he regarded as impossible. He said that the real object of the present Ministry and the Congress Party in general was to sabotage Pakistan. On no account, he said, should the present Ministry be allowed to remain in office after the Referendum; otherwise they would squander the Province's finances, stir up trouble through Ipi, with whom they were in close touch, and generally create such chaos that the Muslim League, when they took over on the appointed day, would be faced with an impossible situation. I think he exaggerates the risks

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of Ipi's interference. It may be that Ipi is in touch with Congress, but his influence extends only over a portion of the tribes.

Incidentally the chaos Mr. Chundrigar fears would equally result from any violent reaction of the Muslim League to the results of the Referendum or the action taken after it.

Mr. Chundrigar repeated what Firoz Khan Noon had said to me, namely that after 'the appointed day' Jinnah would appoint a Government to rule the Province until new elections were held. I fear that the League may have totalitarian ideas and intend to victimise their opponents.

(ii) FUTURE POLICY OF EACH PARTY

(a) I asked both Dr. Khan Sahib and Mr. Chundrigar what the policies of their respective parties would be after the Referendum. As I saw it, I said, the League had hitherto stood for Pakistan. That, and that alone, had been their policy. They had now got Pakistan. What were they going to stand for in future? Mr. Jinnah had told me that, exept for defence, foreign affairs, communications and perhaps one or two other subjects common to all Provinces which would have to be controlled from the Centre, Provinces would have complete provincial autonomy. This, I believed, is what the Congress really had in mind in their demand for Pathanistan. I did not believe that they seriously contemplated an independent Pathan State.

(b) As for the Congress policy, I said that it seemed to me that they realised that Pakistan was initially inevitable, that at heart they did not believe in an independent State, but desired complete provincial autonomy. Where then was the real difference between the two parties if it were not individual enmity?

(c) Mr. Chundrigar's reply was not very definite. I cannot say what he really thought the League's future policy would be.

(d) Dr. Khan Sahib however stated that in his opinion the position was that the Muslim League would be the Conservative Party, supporting the landlords and capital; while the Congress Party would be the Labour Party standing for a socialist and democratic Province. He spoke, too, of the Province forming a separate third Dominion working in close co-operation with the other two Dominions. I think he must have got this idea from an article by Sir W. Barton which appeared recently in some journals.

I consider that the future policy of each party has an important bearing on the possibility of any co-operation between the two parties during what one might call the interim period, as well as on the future generally.

(iii) ARMS AND THE PRIVATE ARMIES

(a) The prospects of future peace in the Province would be greatly improved if we could restore enforcement of the Arms Act and disband the four private armies—Red Shirts, Zalmai Pakhtun, League National Guards and Ghazi Pakhtun.

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(b) To take the arms problem first. Both sides have many arms, a large proportion of them unlicensed. These arms have been bought at considerable expense by the owners. They would hate to have to give them up. To enforce the Arms Act would therefore be likely to require a definite plan involving the employment of a considerable number of police and soldiers, and possibly taking 2 or 3 months to complete.

I should like very much to do it, but my advisers, including the GOC Peshawar Area but with the exception of my Inspector-General of Police, are against it. They consider that we are not strong enough to carry out the necessary measures in the time available. An important factor in this regard is the coming re-shuffle of Army units and the possible reorganisation of their class composition. These steps will undoubtedly affect the efficiency and readiness of the Army. I feel therefore very reluctantly disposed to agree with the advice which has been given to me.

(c) Much the same arguments apply to the private armies. In any case I think that we should have to wait until it was obvious that one or other private army intended to break the peace before we acted.

We must, I suggest, await developments before we can declare these 'armies' unlawful associations or otherwise deal with them, whether piecemeal or together.

(iv) GOVERNMENT UNDER SECTION 93

(a) An obvious disadvantage of this will be that it will have to come to an end on the appointed day. This means that should Section 93 be invoked from, say, 20th July, there would not be a running governmental organisation to pass on to the successor Government on 15th August.

This is perhaps not vital, but is I consider obviously desirable.

On the other hand Government under Section 93 appears to offer certain advantages. The Congress Party if dismissed might more readily accept such Government in preference to a League Ministry, and the Leage would I think much prefer it to either a Coalition (of any sort) or to the Congress Ministry remaining in office until the appointed day. They would certainly expect to take over on that day.

(b) There remains the question whether we would be able to exercise authority under Section 93. There is a risk that Congress would on dismissal resort to Civil Disobedience. I have just received a report that they are already considering it and collecting the names of Red Shirts who are prepared to "make any sacrifice". We might well be faced with a difficult situation. Our cadre of officials is very weak. A large proportion of the Services have Muslim League sympathies, and might not be staunch. There is therefore a risk that we should have more on our hands than we could cope with, and would either have to retreat or resort to martial law.

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Nevertheless I believe that if the present Ministry has to be dismissed Government under Section 93 until the appointed day offers the best prospect of success.

(v) THE TRIBES

Unless the situation should deteriorate I believe the tribes will continue to hold their hand. Should the situation 'go bad' then I fear they would appear wherever there was an opportunity for loot.

(vi) To sum up the main factors are:

(a) The extremely slender prospects of forming a Coalition.

(b) The future policy of each party.

(c) The problem of arms and private armies.

(d) The question of the desirability of Government under Section 93 and our ability to exercise it.

(e) The possibility of tribal trouble.

4. THE COURSES OPEN

(i) The result of the Referendum may be such as to make it obvious that the bulk of the electorate is in favour of Pakistan. In that case Dr. Khan Sahib and his Ministry might resign, accept the defeat, go into opposition, and work constitutionally to win the General Election, which would presumably have to take place not long afterwards, on some policy different from that of the League's.

This of course would be the correct constitutional action. I would then call on the leader of the opposition to form a Government. Although he does not command a majority in the Provincial Assembly that body is not in session and would not normally be due to [?for] re-assembly until February 1948. I think therefore he could form a Ministry and carry on.

This would be the easiest and most desirable solution. I am however by no means sure that it will happen.

(ii) The present Ministry might argue that the Referendum was either not a vote against their policy or had not been decisive. They could say that they had not voted; that they had never wanted to join Hindustan, so the real issue at stake had never been put to the electorate, and so on. They would then not offer to resign.

If I allowed the present Ministry to continue in office the League would I am sure be furious. They would argue that the Referendum had clearly shown that the people supported their policy and to allow the present Ministry to remain in office, even if only till the appointed day, would only give them more time to sabotage the League's chances and to prepare for some form of non-co-operation. They themselves might therefore well resort to non-co-operation, probably in violent form.

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Unless Mr. Jinnah could be persuaded to induce the League to hold its hand until 'the appointed day' and agree to Dr. Khan Sahib's Ministry remaining in office until that day I do not see how it will be possible to allow the present Ministry to continue in office. It will therefore have to be replaced by some other form of Government.

(iii) The first alternative would then be to dismiss it and put in a League Ministry or form a Coalition Government or govern under Section 93. Dismissal would probably produce a strong and probably violent Congress reaction. The Red Shirts are well disciplined. The majority of them would in all probability respond to a call for a campaign of any sort.

Dismissal I should if possible like to avoid, but may be compelled to resort to.

(iv) The next alternative would be a League Ministry. This I believe would lead to violent reaction by Congress and the creation of a situation which I should like to avoid. League Government in some form will however be inevitable after the appointed day. Not to appoint a League Ministry at once might therefore only be to postpone their having to deal with active Congress resistance. On the other hand some other form of Government, even for only three weeks, might enable one to establish more favourable conditions for the League to take over in on 15th August.

(v) A possible alternative would be a Coalition. I have explained in para 3(b) above how slender are the hopes of forming a Coalition. But I should like Your Excellency's authority to work for it. Would it be possible to induce Jinnah, Gandhi and Nehru to support the idea? Perhaps if you agree with the proposal Your Excellency would consider trying yet again to bring that difficult trio together.

(vi) The last alternative I can suggest is Government under Section 93. It is, as I have stated above, possible that it might be more acceptable to both parties than any other, in spite of its disadvantages.

(vii) Finally should Section 93 fail owing to non co-operation by either or both parties or because of an outbreak of violence by one of them—probably the Congress—occurring immediately after the result of the Referendum is declared I see no solution but resort to Martial Law. The soldiers will not I think like it, but I see no alternative in the last resort.

(viii) To sum up the alternatives are:

(a) A correct constitutional solution, i.e. resignation by the present Ministry and the formation of a League Ministry.

(b) Refusal by the present Ministry to resign, followed either by

(i) dismissal and the formation of a League Ministry and probable trouble, or

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(ii) the formation of a Coalition Ministry of which I do not altogether despair, but am not very sanguine,

(iii) dismissal and Government under Section 93,

(iv) Martial Law.

5. PLAN

I seek Your Excellency's permission, failing the constitutional solution, to work first for a Coalition Ministry and if that fails to dismiss the present Ministry and govern under Section 93. It will be necessary to maintain our present strength and degree of readiness in Armed Forces in both the settled districts and tribal territory.

In any case I request Your Excellency's guidance and instructions.

6. I have not yet had an opportunity to discuss all this with Messervy. He is coming here on Thursday, 10th, and I will give him a copy of this letter and and discuss it then, but I feel time is too short to allow of my any longer delaying sending this letter to you.

7. All this may sound like taking counsel of my fears, but I wish to avoid the charge that "the outlook of the leader on whose decision fateful events depend is usually far more sanguine than the brutal facts admit". I am however by no means without hope that there will be a constitutional change of Ministry.

Yours sincerely,
R. M. LOCKHART

46

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/176: f 24

SECRET *9 July 1947*
NO. 693

Dear Lord Mountbatten,

I discussed with the Army Commander on 7th July, and have again discussed with the Lahore Area Commander this evening, the question of the relief of British troops.[1] I understand that they are likely to be moved during the first half of August, and that decisions may be taken by G.H.Q. about 17th July.

2. It is not easy to say how things will go, but my opinion is that the most dangerous period will be 15th July to about 15th October. There is great soreness in the Punjab about partition, especially among the Sikhs, and if they intend to make trouble, they may do so (a) when the Boundary Commission

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reports, if it reports before 15th August, or (b) immediately after the 15th August, if the Boundary Commission has not reported by then. The Sikh member of my Partition Committee actually proposed this morning that we should stay effective proceedings until orders had been passed on the report of the Boundary Commission; he also indicated that the Sikhs would not wish the Government of the Eastern Punjab to leave Lahore until the fate of Lahore had been decided. These matters will probably be referred to the Central Partition Council with a view to arbitration, but Swaran Singh's attitude illustrates the Sikh view.

3. On the whole, I think it will be wise to avoid postponing the relief of British troops for too long. It would be awkward if trouble on a large scale started while the relief was in progress. My own advice would therefore be to make the change before the end of July, if it can be made so soon. I have thought it right to give this opinion to Your Excellency as the Commander-in-Chief will no doubt discuss the matter with you.

Yours sincerely,
E. M. JENKINS

[1] cf. No. 36.

47

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1)

IMMEDIATE NEW DELHI, *9 July 1947, 9.55 pm*
SECRET *Received: 9 July, 8.15 pm*

With reference to my letter of the 5th June[1] and para. 6 of your telegram No. 7840 of the 18th June,[2] I have called for the resignations of all Provincial Governors and am so informing Nehru and Jinnah. Not only will this make it easier for them to make their nominations but I feel that by suitable publicity in due course, we shall be able to obtain some credit from these resignations.

[1] Vol. XI, No. 79. [2] *Ibid.*, No. 256.

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48

Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: f 66

MOST IMMEDIATE — INDIA OFFICE, *9 July 1947, 7.38 pm*
SECRET — *Received: 10 July, 1.15 am*

No. 85. Private and personal from Prime Minister.
Thank you for your 1851–S.[1] We are all delighted that you have agreed to accept. You know what my feelings are on this.

As regards my statement in the House of Commons I accept all the amendments you propose. In addition there are two further small amendments, both in penultimate paragraph:—

(a) In second sentence for "It has recently become clear" read "It recently became clear".

(b) At the end of penultimate sentence for "India and Pakistan are in a position to administer themselves" read "India and Pakistan are themselves in position to administer".

This passage will form part of my speech, and will be delivered in the House at about 4.30 BDST. I suggest that you should release it at that time.

[1] No. 42.

49

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/161: f 17

IMMEDIATE — INDIA OFFICE, *9 July 1947, 8.35 pm*
SECRET — *Received: 9 July, 5.30 am*

No. 8840. As a result of long meeting[1] with Chiefs of Staff this morning a telegram[2] about withdrawal of British troops has now been approved and despatched.

2. I was under great pressure to send you long list of voluminous military requirements for immediate discussion with Indian Leaders, the idea being that Prime Minister would be able to say in debate that these requirements had been sent to you and were being communicated to Indian Leaders. I undertook to send message to you but pointed out that presentation and timing must be left entirely in your hands, and that in all probability you would refuse to have anything to do with it at this stage.

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3. However, have just had a further meeting[3] with Prime Minister, Minister of Defence, Secretary of State for India and First Sea Lord, in the course of which Prime Minister emphasised that it would be most untimely to raise these long-term strategical requirements with Indian Leaders at present and that if he were pressed in debate on this question he would simply say that negotiations would of course be undertaken on Defence, Fiscal, Economic and other questions when the two Governments were in a position to discuss these matters.

[1] No. 41. [2] No. 50.

[3] At the same meeting, which was held on the evening of 9 July, Mr Attlee decided that a telegram which had been drafted for despatch by Lord Ismay to Lord Mountbatten on the subject of negotiations regarding Britain's defence requirements (see No. 41, sideline 'X') should not be sent. L/WS/1/1046: f 204.

50

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma[1]

Telegram, L/WS/1/1092: f 274

MOST IMMEDIATE INDIA OFFICE, *9 July 1947, 11.45 pm*
Received: 10 July, 5.30 am

No. 8841. Your telegram dated July 4, 1744-S.[2] Withdrawal of British Forces has been considered by Cabinet Committee.

Para. 2. We agree as regards fighting troops and combatant R.A.F. units but see paragraph 7 below regarding Transport Squadrons. Indian leaders can of course be informed privately of our conception of role of British Troops during withdrawal but no formula should be published.[3]

Para. 3. It should be left to Indian leaders to raise this with us if they want to. We do not desire to be the first to offer to pay since they may possibly be quite ready to assume that existing financial arrangements will continue for the few months in question despite the changed position.

Para. 4. Proposals are being examined. Our preliminary view is that they are satisfactory.

[1] A note on the file by the Prime Minister's Private Secretary shows that Mr Attlee and Lord Listowel had discussed the latter's minute, Serial No. 116/47 (No. 15), and had 'finally approved' the text of the telegram to be despatched. L/WS/1/1092: f 273.

[2] Vol. XI, No. 511.

[3] In conveying Field Marshal Sir C. Auchinleck's views on this paragraph in his letter to Sir E. Mieville dated 11 July, Sir A. Smith remarked: 'He [i.e. the C.-in-C.] disagrees that "no formula should be published". On the contrary he thinks it important that it should be publicly stated that the responsibility for maintaining law and order will rest from 15 August with the two Dominion Governments, and, therefore, British forces will NOT be available to intervene in internal disorder.' Mountbatten Papers, Viceroy's Conference Papers, V.C.P. No. 123.

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Para. 5. We agree that British troops shall take only their personal arms and equipment and such stores as they need for their journey and on arrival at their destination. The shipment of stocks of British equipment and stores from India will be the subject of further telegrams. There are complications affecting Royal Air Force equipment however, and this will be the subject of a further telegram.

Para. 6. We agree that withdrawal should be completed, if possible, by the end of December. We consider that, at any rate, their families should be evacuated before the withdrawal of British troops is completed. No firm decision can be given until the practicability of completing move by end of December has been established. Shipping may be limiting factor. Prime Minister will make following announcement in course of his speech on Thursday. *Begins.* On transfer of power on August 15, British Army Forces will immediately start to be withdrawn from India. This withdrawal will be carried out as rapidly as shipping permits, and is expected to be completed by about the end of this year. *Ends.*

Para. 7. We think that there will be mutual advantage to Dominion Governments and to ourselves in retention, for time being, of Royal Air Force Transport Squadrons and their maintenance organisation in Karachi—Mauripur area. If we agree to withdraw these units earlier we should have no means of moving British nationals in an emergency or of sending reinforcing Squadrons for this purpose. We think that both Indian leaders might agree that these units would be of assistance to them in maintaining internal military communications. They could also be available in a non-operational role in the event of serious internal unrest, bearing in mind that neither Dominion will themselves be able to provide such facilities for some time to come. Presence of these R.A.F. units in India will enable us to assist both Governments in providing air transport facilities and maintenance of routes in and through India, which are essential not only to us but also to India.

51

Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay (via India Office)

Telegram, R/3/1/160: f 102

IMMEDIATE NEW DELHI, *10*[1] *July 1947, 00.15 am*
SECRET *Received: 10 July, 01.50 am*

No. 1874-S. In continuation of my telegrams No. 1847 and 1848,[2] I need hardly point out that my position would be extremely difficult having accepted to stay on with the Dominion of India if the League refused to send in

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their resignations and forced me to dismiss them and give all portfolios for the whole of India to Members of what will be my own future Government.

2. I am therefore now investigating the mechanism whereby these two future governments could hold separate portfolios for their future areas for the three weeks before the actual transfer of power.[3] I believe I may be able to persuade Congress to accept such a scheme and I feel that Jinnah would welcome it provided the mechanics present no insuperable problems.

3. Will telegraph again as soon as preliminary discussions are completed.

[1] Date of despatch has been taken from the India Office register of inwards telegrams. On sender's copy, date of despatch is given as 9 July.
[2] Nos. 24 and 25. [3] cf. No. 32.

52

Meeting of the Partition Council, Case Nos. P.C.26/4/47, 28/4/47,[1] 30/4/47 and 31/4/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present at this Meeting held on 10 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Sardar Baldev Singh, Field Marshal Sir C. Auchinleck, Sir E. Mieville, Mr H. M. Patel, Mr Mohamad Ali, Brigadier Elliott, Lieutenant-Colonel Erskine Crum

Case No. P.C.26/4/47

His Excellency circulated the following note[2] which had been handed him by Sir Cyril Radcliffe, Chairman of the Boundary Commissions and said that he would like approval to sending a cable to H.M.G. immediately to effect the necessary amendment to the Bill.

"I think that the provisions of the Indian Independence Bill[3] (clauses 3 and 4) dealing with the "awards of Boundary Commissions" need clearing up.

The Bill, as drawn, does not say what is to be represented by an "award". We have to envisage not merely that it may have to be arrived at by a majority, dependent on the Chairman's casting vote, but that it may in fact consist of a

[1] This item, which is not included in the Partition Council Minutes in the Mountbatten Papers, has been taken from R/3/1/154: f 129.
[2] The text of this note was transmitted in Lord Mountbatten's tel. 1875-S of 9 July to Lord Listowel. R/3/1/154: f 120.
[3] Vol. XI, No. 428.

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series of decisions, some of them arrived at by a majority on one side, some by a majority on the other.

Unless there is something in the Bill covering this explicitly, I think that dissatisfied people might afterwards maintain that majority decisions did not amount to a valid award at all.

I suggest adding a new sub-clause to clauses 3 and 4 on these lines—

'For this purpose the award of a Boundary Commission shall mean the recommendations of the Chairman of that Commission contained in his Report to the Governor-General at the conclusion of the Commission's proceedings.'"

Points in discussing the note were that the expression "casting vote" was inaccurate in that it implied that the Chairman had two votes, a casting vote in addition to his own. It was accepted that this was not the intention, and that the Chairman would have only one vote. After some discussion the position was clarified as being that the members of the Commissions, were akin to assessors and the Chairman would act in the role of Umpire and give his awards.

It was agreed that the draft circulated should be communicated to H.M.G. with this amendment that the first two lines should read

"For this purpose the award of a Boundary Commission shall mean the *decisions* of the Chairman . . . . . "[4]

Case No. P.C.28/4/47

His Excellency pointed out that His Majesty the King would with the passing of Independence Bill renounce the title of "EMPEROR" which would thereafter disappear from all coinage, official documents etc. He felt that it would be a a graceful act if he could convey to His Majesty the intimation that he should continue, when signing official documents, to write "GEORGE R.I.". He felt that very few people would notice or understand the significance of the letter "I". It was pointed out that this would be inconsistent with the actual position and His Excellency undertook to discuss the matter further with Mr Jinnah.

Case No. P.C.30/4/47

His Excellency mentioned that Sir Cyril Radcliffe had enquired whether in the decisions of the Boundary Commissions account should be taken of natural features, providing defensible boundaries and markings for general administrative convenience. The Commander-in-Chief said that considerations of defence could be ignored but pointed out that rivers, which might appear to form suitable natural boundaries, in India frequently changed their courses and would not therefore provide a fixed boundary.

The general view was that so long as the Boundary Commission do nothing inconsistent with or in violation of the fundamental principles laid down in the terms of reference, they can do what they consider best.

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It was agreed, however, that no directive in addition to the terms of reference should be given to the Boundary Commission; it should be left to their discretion to interpret the terms of reference.

Mr Liaquat Ali Khan drew attention to a misprint in clauses 3 and 4 of the Bill which referred to the awards of the Boundary Commission in the plural when it should be in the singular. The correction would be communicated to H.M.G. telegraphically.[5]

Case No. P.C. 31/4/47

His Excellency said that he had received a communication from His Highness the Maharaja of Patiala[6] asking him to receive a deputation of Sikh V.C.O's and soldiers, many of whom had served under him in South East Asia Command. He felt that the deputation might bring up questions affecting the Boundary Commission, though it was possible that they would perhaps be more anxious to get an assurance that grants of land already made would not be disturbed. He realised the danger of allowing the deputation to raise the question of boundaries as the whole matter was now out of his hands.

Mr Jinnah pointed out that although he was doing everything in his power to retain a hold over the Muslim sections of the population concerned to honour the undertaking given that the findings of the Boundary Commissions, whatever they were, would be accepted, he had noticed that the Sikh leaders were still reported to be inciting their followers to offer active resistance to decisions which they might regard as unfavourable. It was reported that active preparations for resistance were being made and that oaths to resist were being taken. The impression on the Muslim mind was that the Sikhs were carrying on this agitation in order to influence the decisions of the Boundary Commission. In consequence any suggestion that a Sikh deputation was being received to raise the question of boundaries would have a most undesirable effect.

His Excellency reiterated that he had made it abundantly clear to His Highness the Maharaja of Patiala, S. Baldev Singh, Master Tara Singh and all other Sikh leaders, with whom he had had interviews,[7] the consequence of any attempt to offer active resistance. No responsible government would tolerate for a moment such action, which would be met by the regular armed forces of India. In view of the superiority in aeroplanes, tanks, artillery etc. that the armed forces enjoy, such action would inevitably result in very severe losses being inflicted on those who would only be armed with rifles and out of date weapons. He reaffirmed his hope therefore that the Sikh leaders would be

[4] In his tel. 1877-S of 10 July to Lord Listowel, Lord Mountbatten urged that this amendment to the bill should be introduced immediately. R/3/1/154: f 122.

[5] Lord Mountbatten asked for the necessary amendment to the bill to be made in his tel. 1878-S of 10 July to Lord Listowel. R/3/1/154: f 123.

[6] Not traced.

[7] See eg, Vol. X, Nos. 324 and 354, paras. 22–5.

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able to restrain their followers. His Excellency said he had been assured by Sir Cyril Radcliffe that he will be able to submit his reports by the 14th August. In conclusion His Excellency said that he would communicate with H.H. the Maharaja of Patiala, and make it clear that if he received the deputation no questions regarding boundaries could be brought up; and if the deputation were received this fact would be made very clear in a press note.

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Minutes of Viceroy's Fifty Sixth Staff Meeting, Item 4

Mountbatten Papers

SECRET

Those present during discussion of Item 4 of this Meeting held at the Viceroy's House, New Delhi, on 10 July 1947 at 3.45 pm were: Rear-Admiral Viscount Mountbatten of Burma, Sir E. Mieville, Sir G. Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum

Item 4

RECONSTITUTION OF THE INTERIM GOVERNMENT

HIS EXCELLENCY stated that he had received a long letter[1] from Sardar Patel, asking that the Muslim officials in the Government of India should be got rid of as soon as possible. In an interview[2] that morning he had suggested to Sardar Patel that two separate Governments should be set up as soon as possible. Sardar Patel's initial reactions had not been unfavourable. Both these Governments would have to work in Delhi to begin with. Mr Krishna Menon was was coming to see him that afternoon with Pandit Nehru's ideas on this suggestion.

[1] and [2] Not traced.

54

Unsigned papers on the reconstruction of the Interim Government[1]

R/3/1/160: ff 127–31

10 July 1947

1. *Draft Press Communiqué*

The Governor-General announces that the resignation of the Interim Government shall take effect on . . . . July 1947.

On . . . . July 1947 the Interim Government will be replaced by the Provis-

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ional Government of India and the Provisional Government of Pakistan. The two said governments will have their respective and exclusive jurisdiction and competence over the territory notionally demarcated as the territory of the two future dominions subject to the reservations which the Governor-General deems necessary to make in the interests of a peaceful transition.

A Pakistan secretariat will be established forthwith, in part at Karachi and in part at New Delhi and the said Secretariat shall move progressively to Karachi before the 15th August. All civil servants and other employees of the government who have opted to join the Pakistan Service shall be drafted forthwith into the secretariat and the other services of Pakistan.

The Governor-General reserves to himself the right to require a joint meeting of the two governments, and to deal with any matters relating to the provinces, subject to partition or referendum, within his own discretion in the interests of a peaceful transition.

The replacement of the interim government by the two independent Regional governments does not affect the arrangements made in regard to partition which will proceed according to plan.

The Governor-General will promulgate the necessary Orders in Council and make the requisite rules to effect the aforesaid changes.

2. *Note on Reconstruction of the Government*

Section I

1. The tasks before the political parties represented in the Government, and of the members of the Government themselves are three-fold:

(i) Implementing Partition.

(ii) Carrying on administration as efficiently as possible.

(iii) Preparing for two separate Governments of two distinct States to operate as independent governments on August 15th.

2. (i) *Implementing Partition:* (*a*) Partition work is now being carried on under arrangements, which include the method of resolving disputes by the intervention of the Governor-General and other means. These arrangements are accepted on both sides and will not be affected by the reconstruction of the Government. The creation of the new Partition Council as distinct from the previous Partition Committee took the central direction of partition outside the strict competence of the Governor-General's Council, though no doubt its legal authority may rest with the Governor-General in Council. There is no suggestion whatsoever that the reconstruction of the Government should involve any revision of the arrangements made in this respect.

[1] A note on the file copy by Sir G. Abell dated 14 July states that these suggestions were handed to Lord Mountbatten by Krishna Menon. It is not certain whether Menon had written them himself. The first paper is undated, the second is dated 10 July. R/3/1/160: f 127.

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(*b*) It is a fact on the other hand that a reconstruction involving as set out below the creation of two governing units for the territories of each of the the new States respectively will make the composition, the work and the approach of the Partition Council and Committee correspond more with the actual realities of the situation (a country already partitioned).

(*c*) Under the arrangements proposed below the "Partitioned" officials (they have all opted by now) can assist with greater directness in the process of partition. At present at least on one side they are reported to be functioning as a secretariat already. The arrangement proposed only regularises this fact.

(ii) *Administration:* For carrying on the administration with some sort of efficiency (without prejudice to such standstill arrangements as the Governor-General prescribes) it is necessary that the Member of any department:

(*a*) has the loyalty of his staff;

(*b*) is concerned with the part of present India which will be his after August 15th;

(*c*) is free from political manoeuvering and desire to obstruct.

(iii) *Separate Governments:* For the successful inauguration of the two separate States on August 15th it is vitally necessary that the time between now and that date should provide the opportunity for "rehearsals" of the two sides as independent governments. In fact they have to be "dress rehearsals". Pakistan cannot be expected to produce a government at Karachi on the 15th August while until the fourteenth their side is carrying on as now.

(*a*) The Pakistan secretariat must be set up now, composed of the civil servants who have opted for Pakistan.

(*b*) All portfolios of government must be held by the Ministers of the two future States "in duplicate" but each only concerned with his region.

(*c*) Pakistan secretariat will move progressively to Karachi from the day of reconstruction of the Government and complete the move by midnight on the 14th August.

(*d*) After the midnight of the 14th August or from the moment "the appointed day" begins, all Pakistanis are aliens or near aliens in India and the continued presence of their leaders would place great strain upon the Government of India and its security departments and create embarrassments.

Section II

3. It is, therefore, necessary to reconstruct the government so as to effect the peaceful transference, which is H.M.G's policy, and the deadlock inside the government and the country, to end which partition was agreed to, is resolved.

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4. It is important to point out that the Government of India as at present constituted comes *to an end* on . . . . July and its place is taken by two Regional *Provisional*[2] Governments set up by the Governor-General by order in council and by the invocation of the latitude given to him under Sec 9 of the Act of 1947.

(*a*) Lord Mountbatten will, from that date, be dealing with the two Governments separately.

(*b*) Lord Mountbatten has no longer a "Coalition" Council as now.

(*c*) The last vestige of the Wavell régime disappears.

Section III

5. Therefore on the . . . . day of July the Governor-General will reconstitute the Government as follows for the purpose of implementing H.M.G's policy now placed on the Statute Book by the Act of 1947.

(i) There shall be two "sets" of Ministers for (*a*) India (*b*) Pakistan.

(ii) The leader of each side will inform the Governor-General as to the composition of his Cabinet for his region and the distribution of portfolios etc.

(iii) Each group of Ministers form a Regional Government respectively called The Government of India and The Government of Pakistan, and the Governor-General of India thus carries on the government of the country through two regional ministries.

Explanation: If the Governor-General did not thus continue, but instead 'reconstituted' himself as the Governor-General of India and Governor-General of Pakistan, Mr Jinnah might take offence at being prevented from being the first Governor-General of Pakistan.

(iv) From the date of the reconstruction, all expenses incurred are debited to the respective sides, for the purposes of partition allocations.

(v) Each Government shall have jurisdiction only over its own region, wherein it shall have no interference from the other government. All officials who have opted for Pakistan shall be withdrawn as from the date of the reconstruction and be absorbed into the Pakistan secretariat, which will move progressively to Karachi.

Section IV

6. For the purposes set out in (5) above, the Governor-General will by order in council and availing himself of Sec 9 of the Act of 1947 constitute

(*a*) Two Regional Governments.

[2] Emphasis in original.

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(*b*) Authorise the making of rules for the conduct of the governments.

(*c*) Authorise the necessary expenditure (if any).

(*d*) Authorise the necessary transfers of civil servants.

7. Provided that the Governor-General reserves to himself the right

(*a*) to require the attendance of the members of the two governments to a joint meeting of the two;

(*b*) to reserve to himself the right to stop, veto, rescind and otherwise deal with any matters in relation to or in respect of the Provinces, which have become subject to partition or referendum under the June 3 arrangement and subsequently by Statute;

(*c*) he shall exercise the powers in respect of (*a*) and (*b*) above entirely at his own discretion.

8. Nothing in the aforesaid arrangements shall be deemed to affect

(*a*) Partition arrangements as already made;

(*b*) the constitution of the two Dominions on the appointed date;

(*c*) arrangements consequential to H.M.G's Statement of June 3 and the provisions of the subsequent Statute.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Krishna Menon

Mountbatten Papers. Demi-official correspondence files: Menon, V. K. Krishna

10 July 1947

I enclose letters for the Prime Minister[1] and the Secretary of State,[2] which are unsealed. Please read them and then seal them down and deliver them on arrival.[3] I hope they will be helpful to you.

I cannot let you leave India without giving you my warmest personal thanks for the way you have helped me in all these difficult negotiations. I feel that history will show that you have helped the future of India very much by the advice that you gave me.

I am glad to think that I shall have a personal friend as the first High Commissioner in London.

All good wishes to you in your new and very responsible post.

[1] Not printed. In this letter dated 10 July Lord Mountbatten confirmed V.K. Krishna Menon's appointment and mentioned that he would be able to provide a 'good idea of what is in the minds of the present Congress leaders'. Mountbatten Papers, Demi-official Correspondence files: Attlee, C.R.

[2] Not printed, a letter of introduction only. POL Dept File 9067/47.

[3] See No. 74.

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56

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/176: ff 243–8

SECRET *10 July 1947*

NO. 694

Dear Lord Mountbatten,

I think Your Excellency may be interested in the enclosed record of a conversation I have just had with Giani Kartar Singh. The Giani was extremely frank about the intentions of the Sikhs, and what he said confirms my view that they mean to make trouble if the decision based on the Boundary Commission's report is not to their liking, or if the new Governments are set up before the decision is given. According to a recent Press report,[1] Baldev Singh is taking the same line in public, which seems odd in view of his acceptance of the Plan.

2. My personal view is that the Boundary problem cannot be solved in any rational way, and that the only solution which will give the two new Provinces a peaceful start will be one negotiated by the Parties—in other words a settlement out of court. I believe that there is quite a lot in the claim of the Sikhs—and for that matter of other residents of the Eastern Punjab—for a share in the canal colonies, and the Giani's idea that the Montgomery district should be allotted to the East is by no means as ridiculous as it sounds. The district, if so allotted, could be "recolonized" so as to concentrate the non-Muslims there and to transfer Muslims to Lyallpur, which is agriculturally on the whole a better proposition. But with the Sikhs demanding the Chenab as the Western boundary and the Muslims hoping to stretch their tentacles as far east as Ambala, and everyone behaving as though they had just been at war and were going to have a new war within a few weeks, I see little hope of any solution of this kind.

Yours sincerely,
E. M. JENKINS

Enclosure to No. 56

Record of Interview between Sir E. Jenkins and Giani Kartar Singh

10 July 1947, 4.45 pm

Giani Kartar Singh came to see me today at 4.45 p.m. at his request. He was to have come at 3 p.m., but he seems to have had some trouble with his car driving in from Nankana Sahib.

[1] See No. 17.

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2. He said that he had come to see me about the India Independence Bill and the Boundary Commission. The Bill made it clear that if orders were not passed on the recommendations of the Boundary Commission by 15th August, two new Governments would be set up on the basis of the "notional" boundary. The Sikhs did not believe that fresh orders about the Boundary would be enforced after 15th August, and wanted to know what the enforcement arrangements would be. The Sikhs would not accept the "notional" boundary even provisionally, and if an attempt were made to set up two new Governments on the basis of this boundary on 15th August, the Sikhs would refuse to join the Government of the Eastern Punjab and would refuse also to have anything to do with the Union Government of India. They would have to take other measures.

3. Proceeding, the Giani said that there must be an exchange of population on a large scale. Were the British ready to enforce this? He doubted if they were, and if no regard was paid to Sikh solidarity, a fight was inevitable. The British had said for years that they intended to protect the minorities, and what had happened now was a clear breach of faith by the British.

4. I said I thought it certain that the Boundary Commission's recommendations as accepted by the Governor-General would be enforced after 15th August. The enforcement would necessarily be by the two Dominion Governments, whose representatives had, I understood, pledged themselves to accept the final orders. I realised that the Sikhs were dissatisfied, but when independence came to any country, some classes which had formerly regarded themselves as protected inevitably suffered. For example, I well remembered the complaints of the loyalists in Southern Ireland when Eire became a Dominion. At the same time I felt that the Sikhs had themselves to blame for their present position. The Giani had himself insisted on partition, and Sardar Baldev Singh had accepted the Plan.

5. The Giani at once countered with an account of S. Baldev Singh's attitude during the negotiations. He said that he had urged S. Baldev Singh to publish the letter[2] in which he had communicated his acceptance of the Plan to the Viceroy. Sardar Baldev Singh had made it perfectly clear on behalf of the Sikhs that he was merely accepting the principle of the Plan, and that there could be no partition based on population alone. The Sikhs were entitled to a homeland just as much as the Muslims and the Hindus.

6. The Giani then elaborated the Sikh claim. He said that they must have at least one canal system; they must also have Nankana Sahib; finally the arrangements must be such as to bring three-quarters or at least two-thirds of the Sikh population into the Eastern Punjab. An exchange of population on a large scale was essential—he thought that at least 400,000 Sikhs should be moved to

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the East and 400,000 Muslims to the West (later in the conversation he said that the number of Sikhs would be 500,000, or 600,000 and the number of Muslims about one million. Property as well as population should be taken into account in the exchange, and the Sikhs are on the whole better off than the Muslims). The Giani asserted that unless it was recognised by H.M.G., the Viceroy and the Party Leaders that the fate of the Sikhs was a vital issue in the proceedings for the transfer of power, there would be trouble.

7. I asked how the Giani proposed to effect his large transfer of population, and what he meant by "one canal system". Did he mean in concrete terms that if the Sikhs got a part of the Montgomery district, from which Muslims could be transferred to Lyallpur and to which Sikhs could be transferred from Lyallpur, the Sikhs would be content? The Giani said that the Sikhs would be content with the whole of the Montgomery district and Nankana Sahib, and that if this could be effected, the exchange of population would be more or less automatic. On my pointing out that the inclusion of Nankana Sahib in the Eastern Punjab would be an extremely difficult operation, he gave me a long and rather involved account of the communal distribution of population in parts of the Lyallpur and Sheikhupura districts, and said that the transfer of Nankana Sahib to the Eastern Punjab was practicable.

8. I thought it was time to mention the Boundary Commission again, and said that these matters would be dealt with by the Commission. Surely four Punjabi High Court Judges and one eminent Englishman could be expected to take a reasonable view of any properly stated claim. The Giani said that the Judges were not Judges, but Advocates; that the Sikh Judge could do little for his community; and that the Sikhs expected no justice from the Commission.

9. I then reverted to the somewhat minatory remarks of the Giani about the attitude of the Sikhs should the new Governments be established on the basis of the "notional" boundary. I asked exactly what he meant by "other measures". The Giani replied that the Sikhs would be obliged to fight. I retorted that this would be very foolish and enquired how they expected to fight against trained troops. The Giani said in quite a matter of fact way that the Sikhs realised that they would be in a bad position and would have to fight on revolutionary lines—by murdering officials, cutting railway lines and telegraph lines, destroying canal headworks, and so on. I reiterated that this seemed to me a very foolish policy, to which the Giani retorted that if Britain were invaded, he had no doubt that my feelings would be much the same as his.

10. I enquired when the fight would begin. The Giani said that protests would continue from now on. The Sikhs felt that it would be useless to wait

[2] Vol. XI, No. 36.

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for two or three years before taking violent action, and the execution of their plan would start with the departure of the British.

11. I pointed out that violent action would hardly endear the Sikhs to the Congress, with whom the Panthic Party was now allied. The Giani replied that he had never trusted and did not now trust the Congress. Rather illogically he added that Mahatma Gandhi and Sardar Patel had been sympathetic to the establishment of a Sikh homeland with the Jat districts separated and joined to the U.P. For such a homeland the Sikhs must have a reasonable boundary in the West and their population mainly concentrated east of that boundary. He saw the final Sikh State as a kind of buffer-state between Pakistan and the Union of India.

12. I said that the real solution was a reasonable settlement between the representatives of the future Governments of the West and East Punjab. I asked whether such a settlement was quite out of the question (I have always felt that the boundary problem is really a political problem which can be settled only "out of court"). The Giani said that there was no one among the Muslims big enough to take a decision that might seem detrimental to the Muslim community. Personally he thought any discussion with a view to a settlement quite useless. The Sikhs would not abate their claim, and the Muslims would go on hoping to secure territory as far east as Ambala. The Muslims were now putting out some conciliatory propaganda but their intention was that of a sportsman who is careful not to disturb the birds he intends to shoot. He believed that the Muslims would try to make the Sikhs in the Western Punjab feel secure and would then set about them in earnest.

13. Finally, the Giani appealed to me to do all that I could to help the Sikhs during a period of great trial. Having served in the Punjab for so many years, I could not wish to abandon it to misery and bloodshed; but there would be misery and bloodshed if the boundary problem were not suitably solved.

14. The Giani was matter of fact and quiet throughout our conversation, but wept when he made his final appeal. This is the nearest thing to an ultimatum yet given on behalf of the Sikhs. They are undoubtedly very puzzled and unhappy, but I see no reason to suppose that they have lost the nuisance value which they have possessed through the centuries.

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Chief of the General Staff to Headquarters, Northern Command, Southern Command, Eastern Command and Delhi District

Directive, L/WS/1/1006: f 21

SECRET GENERAL HEADQUARTERS, NEW DELHI,

NO. 6385/150/SDI *10 July 1947*

RECONSTITUTION OF THE ARMED FORCES

1. With effect from 15 Aug 47 it is intended that the Governments of the Dominions of India and Pakistan shall take over responsibility for the government of their respective territories. On that date the Army Headquarters of each Dominion will become responsible for the operational control of all Indian formations and units within their respective territories. Indian units overseas will remain under the Supreme Commander.

2. The present Armed Forces Headquarters will continue to exist and will become Supreme Headquarters. The present General Headquarters will remain responsible for the majority of administrative matters until Army Headquarters, India and Army Headquarters, Pakistan, are in a position to assume responsibility. The devolution of responsibility is likely to be a gradual process spread over some time.

3. British units will be withdrawn from India and Pakistan over a period commencing in July 47.

4. With effect from 15 Aug, British formations will come under command of the Major General British Troops in India, who will be responsible direct to the Supreme Commander. From that date British units will not be available to the local commander for Internal Defence. General Headquarters will continue as at present responsible for the general administration, and local commanders will remain responsible for such matters of local administration as may be laid down.

5. The Orders of Battle of India and Pakistan will be published shortly. It is intended to move units now in India allotted to Pakistan and units now in Pakistan allotted to India to their correct Dominions as early as possible.

6. The boundaries of Northern Command will be adjusted in due course to coincide with the frontiers of Pakistan. Those portions of the present Northern

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Command which will be outside Pakistan will be incorporated in Eastern Command.

7. Detailed instructions on all the above matters will be issued.

ARTHUR SMITH
LT. GEN.
CHIEF OF THE GENERAL STAFF

58

Sir C. P. Ramaswami Aiyar to the Resident for the Madras States

R/3/1/144: ff 55–56

HUZUR CUTCHERRY, TRIVANDRUM, *10 July 1947*

Subject: Formula for Standstill Arrangements on the lapse of Paramountcy
Reference: Your letter[1] No. 2452/47 dated 9th July, 1947.

Sir,

This Government have carefully considered the proposal to include in the agenda for discussion[2] on the subjects noted above, the question of 'immediate accession of States to Dominion on Foreign Affairs, Defence and Communications' by which I presume is meant a proposed accession to one or other of the Dominions.

The Dominions formed under the Indian Independence Act comprise territories which had formed part of British India and the constitution relating to such Dominion Governments is presumably framed so as to apply only to British India. In fact, Parliament has no legal authority to legislate in respect of Indian States whose connections have been exclusively with the Crown as distinguished from Parliament. The idea of possible accession of any Indian State to a Dominion constituted under the Indian Independence Act is difficult to follow as it is fundamentally opposed to the declarations hitherto made by the British Government and accepted by the major political parties in India, namely, that with the lapse of paramountcy, it will be open to the States to establish relations with the rest of India either by entering into a federal relationship with the Union Government that may be constituted as a result of the deliberations of the Constituent Assembly or by entering into particular political arrangements with the Union Government or Governments to be so formed.[3]

The relations to be established by the States with these two Dominions can only be by separate negotiations and agreements and not by *accesssion*[4] to either Dominion with respect to any subject.

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Further, the Indian Independence Bill expressly provides that effect shall continue to be given to such agreements as are in force between His Majesty's Government and the Ruler of an individual State in relation to Customs, Transit and Communications, Posts and Telegraphs or other like matters until they are denounced by the Ruler of the Indian State or by the Dominion concerned or are superseded by subsequent arrangements. It is thus clear that pending action by the States or by the Dominion Governments concerned on the lines indicated above, no question of accession can arise with respect to any of these matters.

The scope and extent of the jurisdiction of the Dominion with respect to Foreign Affairs, Defence and Communications have yet to be defined and if the report of the Union Powers Committee contains an indication as to the scope of the authority exercisable by the Dominion with reference to these three subjects, then Tranvancore will inevitably have to make special reservations and provide for adequate safeguards to maintain herself as an Independent entity. Any arrangements that can be entered into on these subjects between a Dominion and Travancore, which has decided to maintain its independent status, can only be in the nature of treaties or agreements entered into between an independent Sovereign State and the Dominion Government for the time being. Such treaties or agreements may have to be ratified or reviewed when the new Union Governments under the new Constitutions that are being framed by the Constituent Assembly come into existence.

While the Government of His Highness the Maharaja of Travancore have expressed their readiness to negotiate and settle the terms of agreements whereby mutual co-operation can be secured in respect of defence, foreign affairs, communications and other matters with the two Dominions, yet it cannot be forgotten that this co-operation has to be attained by specific and individual negotiations between Travancore Government and the representatives of the Dominion Governments.

Yours faithfully,

C. P. RAMASWAMI AIYAR

P.S. This reply may be communicated to the States Department as soon as possible and before it considers the question of fixing dates for any proposed meeting.

C. P. RAMASWAMI AIYAR

[1] Evidently a letter written by the Resident following receipt of No. 2.
[2] A reference to the meeting scheduled to be held on 25 July.
[3] See Vol. VII, No. 262, para. 5.
[4] Emphasis in original. [5] See Vol. XI, No. 7.

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Government of India, External Affairs and Commonwealth Relations Department to Secretary of State

Telegram, L/P&S/12/4197: f 34

NEW DELHI, *10 July 1947, 5.55 pm*
Received: 10 July 1947, 5.30 pm

No. 5350. Your telegram No. 8125 of June 24th.[1] Lhasa Mission.

2. We agree that position of H.M.G. should be made clear to Tibetans and suggest that it would be appropriate for (?Richardson), present head of British Mission, to do so when he informs Tibetan Government of his impending replacement by an Indian officer. Subject to your views we propose that he should do this when new incumbent has been selected. He would at the same time assure Tibetan Government that Government of India induced by their friendly interest in Tibetans and in preservation of Tibetan autonomy, are prepared (until such time as either party wishes to enter into fresh arrangements) to assume obligations of H.M.G. under Simla Convention of 1914 and Associated Trade Regulations, and trust that Tibetan Government will also continue to abide by them. He would add that Government of India propose to maintain Trade Agents' posts at Gyantse, Yatung, and Gartok, with sole difference that incumbents will in future be described as *Indian*[2] Trade Agents, and that for the present we shall continue present informal arrangement whereby Trade Agent at Gyantse is head of Lhasa Mission. We should be glad to know in what terms H.M.G. wish to make their own position clear to Tibetan Government.

Repeated to Political Officer Sikkim No. 62 and British Mission Lhasa No. 23.

[1] Vol. XI, No. 334. [2] Emphasis in original.

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/163: f 4

IMMEDIATE
SECRET

INDIA OFFICE, *10 July 1947, 10.25 pm*
Received: 11 July, 6.00 am

No. 8919. Before we first went to India Stafford Cripps recommended that you should take Short as Sikh expert. I suggested it would be better to wait

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until we saw whether he was necessary or not. Since then I have kept in touch with Short who has great knowledge of and influence with Sikhs.

2. Baldev Singh and Sant Singh have now telegraphed him an invitation to go to India, obviously in connection with Boundary Commission. My strong hunch is that he might be of help in keeping Sikhs quiet and my idea is that he should be attached to my staff as a temporary measure for 2 months. It would not I think be right for him to be on Your Excellency's staff. Cripps entirely agrees with this and Prime Minister approves subject to your consent.

3. If you will telegraph[1] approval I will arrange terms etc. here. Presume Short could be put up in one of the Messes like Phillips was.

4. Baldev has also asked Short to engage a K.C. to represent Sikh case before Boundary Commission and Cripps has recommended Holmes. This is of course their private affair and has nothing to do with us but I thought that you ought to know.

[1] In tel. 1908-S of 12 July Lord Mountbatten agreed to this proposal but expressed doubts about the wisdom of attaching Major Short to Lord Ismay's staff. Instead Mountbatten suggested that Short should come out as Baldev Singh's guest as he had invited him. In tel. 9057 to Sir G. Abell, Ismay accepted this arrangement. R/3/1/163: ff 5 and 6.

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Minutes[1] of Viceroy's Nineteenth Miscellaneous Meeting

L/PO/6/123: ff 416–25

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 11 July 1947 at 10.30 am were: Rear-Admiral Viscount Mountbatten of Burma, the Nawab of Chhatari, Nawab Ali Yawar Jung, Sir W. Monckton, Mr Abdur Rahim, Mr P. Ventakama Reddy, Mr Nazimuddin, Sir C. Corfield, Mr L. C. L. Griffin, Mr E. B. Wakefield, Mr J. H. Thompson, Rao Bahadur V. P. Menon, Mr Akhtar Hussain; Lieutenant-Colonel Erskine Crum (Secretariat)

HIS EXCELLENCY'S OPENING REMARKS

HIS EXCELLENCY welcomed the presence of the Hyderabad representatives.

[1] Lieutenant-Colonel Erskine Crum evidently sent an advance copy of these minutes to Sir W. Monckton who replied on 13 July suggesting that two sentences in the paragraphs dealing with Berar should be deleted from the version of the minutes to be sent to Hyderabad, ie the last sentence of the second paragraph and the sentence in the fifth paragraph beginning 'HIS EXCELLENCY said that he was willing . . .'. Monckton did not consider that these references were 'suitable for Hyderabad consumption'. This suggestion was agreed to. Monckton also commented on the sentence in the final paragraph on Berar beginning 'This denunciation . . .'. Originally this sentence continued 'should not be unilateral' and Monckton commented that it could be, as the previous sentence showed, though it might be preceded by meetings. Erskine Crum replied that he had substituted 'precipitate' for unilateral as he thought that was what was meant, although Lord Mountbatten did actually say 'unilateral'. A copy of the minutes as printed here was sent to the India Office with an explanation of the changes made in the version supplied to the representatives of Hyderabad. Mountbatten Papers, Official Correspondence Files: Hyderabad, Part I(a).

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He explained why he had asked them to come to a separate meeting first, apart from the leaders of the political parties.[2] This method of negotiation with one party at a time had proved most successful in the formulation of the Plan of 3rd June. In fact, in that instance, the two parties had not come together at the same meeting until 2nd June.

HIS EXCELLENCY explained that, when first he had been appointed Viceroy, he had come out with instructions from His Majesty's Government not to deviate from the Cabinet Mission's Memorandum of 12th May, 1946,[3] nor to enter into fresh discussions on the subject of future relations with the States. When he had first arrived, the Cabinet Mission's Memorandum had not been accepted by any political party. On behalf of the States, however, he had done his best to persuade the parties which represented the two future Dominion Governments to accept this Memorandum. These efforts had been successful, as acceptance of the Memorandum was implicit in acceptance, by the parties, of the 3rd June Plan as a whole.

THE VICEROY said that it was now his main object and ambition to try to resolve the differences of opinion which had grown up between the States on the one hand and the prospective Dominion Governments on the other. His first step had been to get the States Department set up, so that, as Crown Representative, he could deal with a properly constituted Department working on behalf of both future Governments. Sardar Patel had been put in charge of this new Department—a man whose greatest quality was that of realism. Furthermore, it was gratifying to know that a member of his own staff, Rao Bahadur Menon, had been appointed Secretary of the new Department. THE VICEROY said that he felt that an atmosphere and conditions had now been created in which it would be possible to hold discussions. He was proud that the future Governments had entrusted him with the conduct of these discussions in his capacity of Crown Representative. His main object was to find a solution which would involve the minimum possible sacrifice and dislocation in the interior economy of the States, and particularly of Hyderabad. It was his desire to bring as many States as possible into some system or scheme which would produce stability. He was personally an ardent believer in constitutional monarchy considering that there was no better form of Government provided that it was allied with democratic institutions. He knew that His Exalted Highness the Nizam of Hyderabad was making strides in that direction. He had no reason to think that there would be any change in Hyderabad, except in the way of ordered progress. If the difficulties with Hyderabad, which was the biggest State and had the most vexatious problems, could be resolved, he felt that those connected with all the other States would thereafter be much easier of solution.

HIS EXCELLENCY said that, during his talks with Sir Walter Monckton, the latter had pointed out the great difference between the Cabinet Mission Plan

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of 16th May, 1946,[4] and H.M.G's Plan of 3rd June, 1947,[5] as they affected the States. This difference lay in the fact that, in the former, a set of circumstances was created in which States could adhere to the Central Government without in any way surrendering their own rights over their internal economy. They had been asked to join only on the three subjects which they could not fully control themselves—namely, overall Defence, External Affairs and Communications. On the other hand, as a result of the 3rd June Plan, the future Governments both apparently envisaged a much tighter form of centre. However, it had occurred to him, and the future Governments now recognised, that the only way to induce the larger States to associate themselves with the future Dominion of India would be on terms no stricter than those envisaged by the original Cabinet Mission Plan. The present was not the time for argument. It was necessary now to face up to realities. This in itself was a great advantage to the States. He had asked the leading personalities of the political parties and of the States, as well as the Editors of the most important newspapers, to avoid making provocative statements for this next month. So it was to be hoped that there would be a standstill agreement at least on verbiage!

THE NAWAB OF CHHATARI expressed his thanks to the Viceroy for having convened the present meeting. He said that he and his associates were fully conscious of the kindness which His Excellency had shown them in offering personally to preside. He explained that the Nizam's recent announcement[6] on the future policy of Hyderabad had been made on the recommendation of the Hyderabad Government. In this announcement, it had been made quite clear that there was no intention to obstruct the administration of India as a whole, and that Hyderabad would be perfectly willing to enter into agreements and treaties on matters of common interest. THE NAWAB OF CHHATARI said that he considered it to have been a great personal triumph by His Excellency to obtain acceptance of the Cabinet Mission's Memorandum of 12th May, 1946, as also to persuade both parties to accept Dominion status. It was quite clear from His Majesty's Government's Statements that the States were free to take any action they liked when paramountcy lapsed. But, he repeated, it was not Hyderabad's intention to place any obstruction in the way of the general future administration of India.

HIS EXCELLENCY said that he agreed that there was no shadow of doubt that the legal position was that the States would be absolutely free after 15th August.

SECUNDERABAD CANTONMENTS

The Meeting then passed to consideration in detail of the various points on the Agenda. First there was the question of the Secunderabad Cantonments.

[2] cf. No. 37, Item 2. [3] Vol. VII, No. 262. [4] Vol. VII, No. 303.
[5] Vol. XI, No. 45. [6] *Ibid.*, No. 163.

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HIS EXCELLENCY stressed the necessity that, when notices cancelling the jurisdiction of the Crown Representative were issued, there should not be a legacy of administrative vacuum. It was to be hoped that the Hyderabad Government would accept the same general principle as had worked in connection with the retrocession of the civil lines. THE NAWAB OF CHHATARI said that he considered that there would be no difficulty in this; there was a precedent for it. But he would reserve the right to suggest such small amendments as might be necessary. HIS EXCELLENCY said that he was confident that agreement could be reached with the States Department.

On the question of the removal of troops from Secunderabad, THE VICEROY explained that it was likely to prove impossible to move away all troops, including especially the R.I.E.M.E. with their heavy equipment, before 15th August; but there was no intention on the part of the Government of India to retain troops in Secunderabad against the wishes of Hyderabad. The combatant troops, which were the most mobile, would be the first to move and the technical personnel the last. The process was bound to take some time, in just the same way as the withdrawal of British Forces from India as a whole could not be completed at once, and was likely to extend until the end of 1947. Alternative accommodation for the troops to be withdrawn would have to be found.

THE NAWAB OF CHHATARI said that he would be willing to accept the principle that it would not be possible to withdraw all the troops from Secunderabad before 15th August. He asked for a detailed programme of withdrawal. HIS EXCELLENCY said that he would ask the Commander-in-Chief to produce this and would let the Nawab of Chhatari have it.

RAILWAY LANDS

It was agreed that jurisdiction should be retroceded in terms which would follow existing precedents. The proposed standstill agreement would cover administrative arrangements and other details could be discussed at a lower level.

BERAR

HIS EXCELLENCY next raised the question of Berar. He explained that the Indian Independence Bill clearly established the Nizam's sovereignty over Berar in law. The news that His Majesty's Government had accepted this legal position had been a most unacceptable piece of news to the Congress Party. The degree to which the present position could be maintained by the States Department, which was under considerable pressure from the remainder of the Congress Party, depended on the outcome of the present negotiations.

HIS EXCELLENCY said that he wished to give his views on this subject in the capacity of a private individual. The fact that Berar did belong to the Nizam

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of Hyderabad was legally incontestable. Nevertheless, Berar was now so firmly a physical part of the Central Provinces that nothing short of war or voluntary rendition could in fact return it to the Nizam. This was also a fact and had, clearly, to be accepted as such. The question now arose as to how a solution, which both sides would accept and which would have to be based on both the actual and the legal position, could be found. It had to be realised that both sides present at the meeting would have to "sell" this solution to their respective parties.

HIS EXCELLENCY said that he personally thought that the best way to deal with this matter honourably would be to induce Congress to accept the fact of the Nizam's sovereignty continuing in its present form; and on the other hand to induce His Exalted Highness to agree that the administration should continue in its present form—in other words that the present situation should continue for a period.

THE NAWAB OF CHHATARI stated that the question of Berar was a very important one for Hyderabad. His Majesty's Government and His Excellency had both accepted the fact that the legal position was unassailable. There was no need for him to stress this. He had brought a paper[7] on this subject, which he asked to be attached to the Minutes of the Meeting. THE NAWAB OF CHHATARI stated that, if for practical and political reasons His Excellency found difficulties in the situation, he would of course explain it fully to His Exalted Highness—but this would mean that some concessions would have to be provided. His Exalted Highness would doubtless ask for some *quid pro quo*.

THE VICEROY pointed out that a statement had been made on behalf of His Majesty's Government in 1936, to the effect that no change would be considered in the present arrangements for Berar without taking the will of the people into consideration.[8] The present tendency of world opinion did not permit wholesale transfers of territory without the people being consulted. He had no doubt that, if this matter was pressed, Congress would take refuge by calling upon him to order a referendum in Berar. He was very much opposed to referenda as they invariably resulted in harsh and bitter things being said. He had only given way so far in two instances—the N.W.F.P. and Sylhet. He had made enquiries on the chances of a referendum in Berar, and had been led to believe that the people would prefer the present system of administration to continue. The only *quid pro quo* which the Nizam of Hyderabad could surely expect would be that Congress should drop this demand for a referendum, at the same time continuing to recognise His Exalted Highness's sovereignty over Berar. HIS EXCELLENCY said that he was willing also privately to throw into the balance anything that he could. He had explained this in more detail to Sir Walter Monckton personally. But he did not believe

[7] See Enclosure.

[8] For a brief history of the Berar case up to 1936, see Vol. I, No. 515, note 2.

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that on the main issue it would be possible to push Congress any further. They had already gone to their furthest point.

SIR WALTER MONCKTON said that, whatever statement had been made on behalf of His Majesty's Government in 1936, His Exalted Highness would no doubt remember a letter[9] which he had received that year from the Crown Representative to the effect that the administration of Berar could not be passed into other hands without his (His Exalted Highness's) consent.

HIS EXCELLENCY pointed out that it was not physically possible for him to turn over the administration of Berar to the Nizam on the 15th August. If attempts to do this were made, it would mean a fight, a boycott and the perhaps fatal economic isolation of Hyderabad.

SIR WALTER MONCKTON said that the Nizam would not expect that an Army should be provided to give him back Berar by force. He felt that he would agree to the continuation of the present system for a certain period, subject to the understanding that the administration would finally return to him.

HIS EXCELLENCY said that a period of two or three years had been mentioned. After the next two or three years, it would be easier to see the future of India and to decide what then were reasonable politics. Circumstances might come about in which the administration of Berar would be voluntarily handed back to the Nizam. After such a period, it would be possible to make a final agreement in an air of realism. Any attempt to rush an immediate change through now in the present mood would result in disaster.

SIR CONRAD CORFIELD asked whether a stand-still agreement on Berar for a period of, say, three years would include acceptance by Congress of the fact that at the end of that period the position would be identical to that which would be reached on 15th August. In other words, would it still be legally correct after that date, that the administration would return to the Nizam.

RAO BAHADUR MENON said that he had no doubt that if Congress once entered into an agreement, they would not repudiate it. They were approaching the problem from a very realistic point of view. He pointed out that, if a satisfactory solution on the wider issues was reached, the question of Berar must necessarily fall into line. Congress were looking at the overall picture of how unity could be established. Psychologically the problem now was, after separation of Pakistan, whether the rest of India was going to be balkanised. Therefore, Congress were prepared to make some sacrifices to bring the States in on the essential matters.

NAWAB ALI YAWAR JUNG said that he did not believe that it was His Exalted Highness's intention that, after the retrocession, Berar should be administered in the same way as the districts of Hyderabad State, but rather as a provincial entity governed as were the Provinces of British India. HIS EXCELLENCY gave his view that this would surely have a serious effect on the

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people of Hyderabad itself. He suggested that the standstill agreement with regard to Berar should be for an indefinite period, but liable to cancellation by either party at twelve months' notice. This denuciation should not be precipitate, but should be preceded by meetings; and the period of twelve months after indication of the intention to denounce, could be employed in negotiation. There was general agreement that this suggestion should be put forward to the Nizam and the States Department respectively.

STANDSTILL AGREEMENTS

HIS EXCELLENCY said that the whole question of standstill agreements on various other subjects would be covered by meetings between the representatives of the States and the States Department, beginning on 25th July. He suggested that the Hyderabad delegation should come a few days early, and this was agreed.

ADHERENCE ON THE THREE CENTRAL SUBJECTS

THE VICEROY then referred to the requests which had been made by the Nizam of Hyderabad for Dominion status. He had received a telegram[10] from the Nizam before he had left London. However, before he had got this telegram, His Majesty's Government had decided that it could not agree to the grant of Dominion status to individual States.[11] This decision was based on reasons of realism. Dominion status implied that there were no military secrets between countries in the Commonwealth. Although Hyderabad was a country of the size of France, with a population bigger than any existing Dominion, it was completely enclosed by the territories of British India. His Majesty's Government did not feel that they could commit themselves to responsibility to come to the aid of a country which was thus surrounded. The case was to be compared with that of Poland before the war. The question therefore arose as to how the Hyderabad Government could be given full benefits without actually becoming a member of the Commonwealth. In His Majesty's Government's view, this could only be done through one or other of the two new Dominion Governments. For this purpose, adherence on the three main central subjects would be necessary. It appeared to him that adherence for the purposes of Defence represented an elementary requirement on the part of Hyderabad.

NAWAB ALI YAWAR JUNG asked what would happen in this connection if the Dominion, to which Hyderabad adhered, decided, after a period, to go out of the Commonwealth, HIS EXCELLENCY replied that he could not prophesy what line H.M.G. would take in such circumstances. He did not personally believe that either Dominion was likely to leave the Commonwealth at an early stage. In any case, if Hyderabad adhered on the three central

[9] Not printed. [10] Vol. X, No. 548. [11] *Ibid.*, Nos. 523, 533 and 553, Minute 4.

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subjects, they would themselves have a big voice in the decision. What was the alternative to adherence on the three central subjects? There was no other means of coming into the Commonwealth. He had already mentioned Defence. The second subject was External Affairs, and it was impossible, in his opinion, to separate this from Defence. The third subject was Communications, which was already covered by the standstill agreements which were to be made.

SIR WALTER MONCKTON pointed out that Hyderabad had affinities with both of the new Dominions. He asked how would it be possible to refrain from adopting an un-neutral attitude if Pakistan and India engaged in political disagreement or worse.

THE VICEROY replied that this question had been one which had exercised the minds of all parties and especially that of Mr. Gandhi. It would not be possible to take it up before 15th August, but he hoped that, before the Joint Defence Committee disintegrated, there would be meetings which would clear this point up, at any rate on the military side. On the political side, an idea which had occurred to him was that a Commonwealth Relations Conference might be held in Delhi, which would, after 15th August, be the geographical centre of the Commonwealth, to discuss what would happen in the case of strained relations between two members of the Commonwealth. Before such a Conference took place, perhaps there would be talks on the subject within India. There was no possibility of representatives of the States joining the Joint Defence Council as such, because it consisted of only four persons.

SIR WALTER MONCKTON said that an idea which, in his opinion, would attract His Exalted Highness would be a standing conference of the different parts of India on this subject. He again emphasised that, although on many subjects Hyderabad was irretrievably connected with the future Dominion of India, there were also ties with the other future Dominion.

ADHERENCE TO THE LEGISLATIVE ASSEMBLY OF INDIA

RAO BAHADUR MENON pointed out that, if Hyderabad adhered to the Legislative Assembly of the new Dominion of India, not only would a greater degree of stability throughout the sub-continent be introduced, but also the voice of Hyderabad would be heard when subjects of Defence were discussed.

HIS EXCELLENCY said that he held the same view. Hyderabad was entitled to 17 seats in the existing Constituent Assembly, which would become the new Legislative Assembly of the new India. There were 90 seats allowed to the States altogether. Surely, the forum for discussion on these subjects would be that Legislative Assembly. It, moreover, would probably have committees dealing with various subjects, on some of which representatives of Hyderabad would be. He undertook to inject the views expressed by the Hyderabad Delegation into future discussions with the political leaders. He pointed out

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that the States represented the section of India which, at present, had the greatest experience of administration. The mere presence of carefully selected representatives in the Legislative Assembly would have enormous influence.

HIS EXCELLENCY suggested that any reservations which Hyderabad might wish to make in adhering to the future Dominion of India should, rather than be published, be contained in a personal letter from the Nizam to himself. For instance, he had in mind a reservation that Hyderabad would remain neutral in the event of hostilities between Pakistan and India.

SIR WALTER MONCKTON emphasised that His Exalted Highness would have great difficulty in taking any course likely to compromise his independent sovereignty. Rather than accession or adherence, could not an agreement be made? Such language would be more acceptable to His Exalted Highness.

THE VICEROY gave his view that, if the Nizam of Hyderabad decided not to send representatives to the Legislative Assembly, he would be doing himself and his State the greatest possible disservice. He would be abdicating the lead which he should rightfully give to the States, and, indeed, the lead of one of the greatest single parties in the Assembly itself. That was where States' influence would be able to exert itself. If this was thrown away, Hyderabad would be depriving itself of a great opportunity.

SIR WALTER MONCKTON said that the Nizam might in these circumstances seriously consider the alternative of joining Pakistan. HIS EXCELLENCY replied that there was no doubt that he was legally entitled to do so. However, the mechanical difficulty in the facts of geography was very real. Whereas the two parts of Pakistan itself could communicate by sea, this was not possible for Hyderabad. He gave his view that Congress would probably accept Hyderabad sending representatives to the Pakistan Assembly—but, in some mysterious way, it would be found that this did not work. Surely, Hyderabad could only live by the active good will of the territory which surrounded it.

SIR CONRAD CORFIELD asked whether the Nizam of Hyderabad would be likely to view the question of adherence differently if he were given the right of secession. HIS EXCELLENCY said that this was a point which the Nizam might include in the reservations in the letter which he might write to him.

THE NAWAB OF CHHATARI said that, in his view, His Exalted Highness would find it very difficult to adhere to the new Dominion of India.

HIS EXCELLENCY once again emphasised the advantages of such a course. He pointed out that Hyderabad was militarily defenceless. The present chance was, moreover, probably the last one and, if not seized at once, would be lost for ever. Without in any way threatening, he prophesied disastrous results in five or ten years if his advice was not taken.

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Enclosure to No. 61

DRAFT STATEMENT BY PRESIDENT OF HYDERABAD EXECUTIVE COUNCIL ABOUT BERAR

1. The legal position is plain. Berar is admittedly under the sovereignty of H.E.H. (See Section 47 of the Government of India Act, 1935) and not under that of H.M. It is, therefore, impossible for H.M.G. to transfer the sovereignty or the territory of Berar to the Indian Union and no attempt has been made to do so in the India Independence Bill.

2. By reason of the Berar Agreement of 1936[12] and the letters which passed between H.E.H. and the Crown Representative in that year, H.M.G. cannot transfer the *administration*[13] of Berar to the Indian Union without the consent of H.E.H. nor have they attempted to make such a transfer of administration in the India Independence Bill.

3. H.E.H. claims that the administration of this part of his Dominions should be restored to him. He would undertake to allow the Beraris all the freedom and responsible Government which they now have, under a Governor appointed by him.

4. H.E.H.'s Government recognise that H.E.H. could not assume administrative responsibility for Berar by a stroke of the pen. It would be necessary first of all to arrange for an administrative split between Berar and the Central Provinces and this must take time. Nevertheless, H.E.H. is undoubtedly entitled to demand the reversion to him of the administration of Berar as quickly as possible.

5. If the new Indian Government want a temporary arrangement to give opportunities for a discussion of the Berar problem in all its aspects (an arrangement providing all the terms in H.E.H.'s favour which are included in the present system) they must come forward with an offer. As explained above in para. 1 and 2, the matter cannot be dealt with in the Bill now before Parliament and, therefore, in order to continue for the time being on the present basis, they need H.E.H.'s assent.

[12] The agreement in question reaffirmed the Nizam's sovereignty over Berar.
[13] Emphasis in original.

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Mr Krishna Menon to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Demi-official Correspondence Files: Menon, V. K. Krishna

11 July 1947

My dear Lord Mountbatten,

Thank you for your kind and warm note[1] this morning. I don't have to tell how much I appreciate the confidence and affection you gave me and I am glad that in some small way it has been of service. Lady Mountbatten also sent me a very kind letter to which I will reply to from London.

I am sorry about Slim[2]: very much so. I hope you will suggest and persuade all concerned to have Nye. Someone else can go to Madras as Governor in 2 or 3 months. This appointment is so important that it might challenge much of our hopes if the wrong choice is made. Perhaps you will think about it.

I am still hoping against hope that H.M.G. will put in some amendment to improve the Bill in the matter of the States. It is not only necessary and just but it is good sense and politics. I hope you will have no further difficulty on reconstruction of Government and that the interim government will become extinct for good next week. Please don't allow any major modification of the basic ideas we discussed yesterday.[3] It may lead to fresh complications—and the Viceroy's Council as now for All-India must be ended for good.

Do keep in touch with Panditji, not least on States. He is your P.M. now and obliged to give you advice on all matters.

Thank you for all your consideration and patience. I hope you will be able to get a break off after you have packed Gandhiji off to Kashmir!

Yours affectionately,

KRISHNA

[1] No. 55. [2] cf. No. 31, para. 4. [3] See No. 54.

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru[1]

R/3/1/160: ff 112–4

PERSONAL *11 July 1947*

As you know, before Krishna left he helped us both to clear up the muddle I had got myself into about the reconstitution of the Government.

2. You will remember that I promised you that I would give all the portfolios for India territories to the Congress as soon as I could legally do so.

[1] A note on the file copy indicates that this letter was handed to Pandit Nehru personally by Lord Mountbatten on 11 July.

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3. You have always very honourably upheld the view that you did not wish the Congress to interfere with the Pakistan territories. Krishna had always meant to work out a scheme along these lines, but I am afraid I rather got off the lines, and he tells me that he recently discussed the matter with you and came to the conclusion that the best solution would be to give all the portfolios to Congress Ministers for the India territories, and the portfolios for the future Pakistan territories to the League.[2]

4. Sardar Patel has written to me[3] saying that he wished me to arrange matters that all those Muslim officials who had opted to go to Pakistan could be removed from their present offices in the Government of India, since their continued presence was nothing but an embarrassment.

5. I discussed this point also with Krishna, and he suggested a solutions which I gather you have accepted in principle. He gave me a draft Pres[4] Communiqué[5] which he told me you had agreed to. I thought it was rather long and not quite as clear as I could have wished on all points, and I have taken the liberty of re-wording it in my own language, and I am sending it to you herewith.[6] A few minutes ago I saw Sardar Patel about the Hyderabad negotiations, and gave him a copy of this Press Communiqué. I do not intend to ask Mr Jinnah's concurrence or approval to this reconstitution. I have decided that so long as you agree, I will go ahead and impose it since I consider it to be in keeping with what you have always asked for, and absolutely just.

6. Furthermore, I do not propose to wait until 23rd July, since this date is based on the Bill not being through until the 21st.

7. It seems certain that the King's assent will be given on the 17th, and I therefore propose to reconstitute the Government along these lines on the morning of the 18th.

8. If therefore you accept my wording, I shall immediately send for Mr Jinnah and hand him the Communiqué.

9. As soon as this has been done, I would suggest that you should consider who is to hold the five League portfolios in the Congress India Cabinet.

10. I would also suggest that when this is done, I should issue orders concerning the posting of India and Pakistan officials in sufficient time to enable the detailed posting to be prepared to be implemented on the morning of the 18th.

11. If you can spare the time for a talk tomorrow Saturday, I would like to give you a first hand account of how my meeting[7] with the Hyderabad delegates went off. I am hopeful that we may have a success, but cannot answer for this until they have seen the Nizam.

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Enclosure to No. 63

DRAFT COMMUNIQUÉ ON THE RECONSTITUTION OF GOVERNMENT[8]

In order to facilitate the setting up of the new administration of Pakistan His Excellency the Viceroy has decided with the concurrence of the party leaders that the Interim Government should be reconstituted on the following lines.

The Government will consist of two groups representing the two successor Governments. There will be nine members from India and nine from Pakistan.

The two groups will meet separately to consider matters concerning their own territories, and jointly under the chairmanship of the Governor-General to consider matters of common concern.

The personnel who have chosen to serve in Pakistan will be withdrawn from existing departments, and will staff Pakistan departments which will be organised at once in Delhi and will serve the Pakistan members of the Cabinet.

There will thus be what amounts to two provisional Governments, one for India and one for Pakistan, each dealing with its own business and consulting the other on matters of common concern.

[2] cf. No. 54. [3] Not traced but cf. No. 53. [4] cf. No. 54, paras. 5(v) and 6(d).
[5] No. 54. [6] See Enclosure. [7] No. 61.
In letters to Pandit Nehru and Sardar Patel on 12 July Lord Mountbatten indicated that he had made slight amendments to this draft. He omitted the second sentence of the second paragraph upon the grounds that it was unnecessary to state an exact figure. He also inserted the following sentence at the beginning of paragraph 4: 'The existing Departments will be in charge of the Members representing India.' The Viceroy explained that he intended to show the draft communiqué to Mr Jinnah on the same day (ie 12 July). R/3/1/160: ff 116, 118, 119.

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru[1]

R/3/1/83: f 73

NO. 38/17 NEW DELHI, *11 July 1947*

Dear Mr Nehru,

I am forwarding herewith a draft[2] of the statement I propose to issue asking for British personnel to stay on for the interim period during the reconstitution of the Armed Forces.

I feel it is most important to get this out as soon as possible and I should be grateful if you would let me have your comments as early as possible to-day Friday.[3]

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] Lord Mountbatten wrote in the same terms to Sardar Baldev Singh, Sardar Patel, Mr Jinnah, Mr Liaquat Ali Khan and Dr Rajendra Prasad. R/3/1/83: ff 72, 74–7.
[2] Not printed; see the Enclosure to No. 80 for the statement as issued.
[3] For the replies of Pandit Nehru and Sardar Baldev Singh, see Nos. 69 and 79. Mr Jinnah suggested the addition of the words 'as an independent Chairman' to the reference to Lord Mountbatten's acceptance of the chairmanship of the Joint Defence Council in the second paragraph of No. 80. Sarder Patel, Mr Liaquat Ali Khan and Dr Rajendra Prasad had no additional comments. R/3/1/83: ff 79–81, 84.

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Viceroy's Personal Report No. 12

L/PO/6/123: ff 168–77

TOP SECRET AND PERSONAL

11 July 1947

This has been another busy week, as, in addition to the usual Cabinet meeting, there have been two meetings of the Partition Council as well as a meeting with the Hyderabad delegation, and I have also been considerably occupied with the question of the reconstitution of the Interim Government and the nominations for Governors-General of the two new Dominions. I will refer to these matters later on.

2. In regard to the country in general, the situation remains very much the same in the Punjab, which is still most unsettled, but there has been an unexpected outbreak of trouble in Calcutta. The trouble seems to have started in the first instance on the 4th July, a Muslim Festival, when four Hindus in a jeep passed through a crowded Muslim quarter firing a Sten gun at random killing two and injuring seventeen. Not unnaturally incidents mutliplied after this, but the principal trouble was on the 7th July.

3. On the night of the 6th July the Muslim Officer in charge of one of the Calcutta Police Stations received multiple injuries from a Sten gun and died the same evening. When his body was taken for burial on the 7th July a Muslim mob succeeded in snatching it away from relatives and in defiance of the Police Commissioner's orders carried it in procession through certain streets where the population is mixed. The procession swelled to considerable dimensions as it progressed and was joined by hooligan elements. Unarmed police who intended to accompany the body of their colleague to the burial ground were unable to control the situation and eventually the procession had to be dispersed with tear gas. When breaking up, the processionists caused some disturbances in a number of localities. There was another bad incident the next day when a crowded bus in a Muslim quarter was deliberately fired into by a gunman from a jeep using a Sten gun.

4. I have just sent Abell down to Calcutta to ascertain how the reconstituted Cabinet there is working and to enquire about the progress of partition work. It is rather early as yet to judge the success of the arrangement by which the Congress have been put in office as a sort of 'Shadow' Cabinet. Nevertheless, the start has been propitious and Burrows reports that at present there is plenty of goodwill. The Congress are pressing to be allowed to see all papers that go to their opposite numbers and it is not certain that the Muslim League will consent to this since the basis of the request is that the existing Ministers cannot

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be trusted to show their new colleagues papers which do, in fact, concern Western Bengal.

5. If a difficulty arises in the Cabinet it is more likely to arise over law and order policy in Calcutta than over anything else. The Governor has, however, taken certain action in regard to the posting of Police Officers in the last few days which has given satisfaction to the Congress and he thinks that, with good luck, he will be able to jolly along his odd Ministry until the 15th August.

6. The partition work in Bengal is not going ahead very fast. The Congress are at present being quite co-operative but the main burden falls on the Muslim League, who have to set up a new capital at Dacca and to start a new administration. The resources of Dacca are small and the time available is very short. The Muslim League High Command themselves take a good deal less interest in East Bengal than in Western Pakistan and I am afraid East Bengal is at the bottom of the priority list. The attention of our Steering Committee here in Delhi has been drawn to the importance of giving certain priorities to Dacca and possibly things will improve. I am writing to Jinnah about all this.

7. Abell reported that Burrows, though looking forward to leaving on the 15th August, was in very good heart and taking a firm hold of the situation in Calcutta, which is bound to continue an anxiety until power is transferred.

8. The Chairman of the two Boundary Commissions, Sir Cyril Radcliffe, has arrived and after staying with me for 48 hours to get into the picture, he left for a preliminary visit to Calcutta. Nehru, Jinnah and the Boundary Commissions have all agreed that the work should be completed by the 15th August and Sir Cyril Radcliffe has concurred. All are very pleased that the Bill will make the findings of the Boundary Commissions an Award, since no party could contemplate with equanimity the riots which would break out if the boundaries remained indefinite on the day of the transfer of power.

9. In regard to the Punjab, the Sikhs are again becoming troublesome in their meetings and public statements and even Sardar Baldev Singh was reported in the press to have said at a meeting[1] on 8th July:—

> "It is the demand of the Sikhs that the Boundary Commission should give its decision by August 15. I hope that the Boundary Commission will be fair to us, but if its decision is against us, we will resist it, and will not consider any sacrifice too great to vindicate the honour of the Panth."

I taxed him with this in the full Cabinet meeting[2] on 9th July, but he denied it indignantly and said that he had been misreported. He intends to ask for a correction to be issued but, although he may not have been absolutely correctly reported, I fear there is little doubt that he was talking along these lines.

[1] See No. 17.

[2] Mountbatten Papers, Cabinet Minutes (India), Part II, Case No. 177/34/47.

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10. I saw the Maharaja of Patiala yesterday,[3] and impressed on him once again that if the Sikhs showed any sign of fight they would have the Armed Forces of India against them and would be crushed. He fully realised this and undertook to do everything in his power to try and steady them. He had brought ten retired Sikh officers as a delegation to see me about the Boundary Commission; I refused to see them and turned them over to the Chief of the General Staff (in the absence of the Commander-in-Chief) to explain to them that the terms of reference of the Boundary Commission had been settled by the leaders, that I had nothing more to do with the Boundary Commissions, and that they must address themselves to the Sikh Judge on the Punjab Boundary Commission. Patiala agreed that this was the right decision.

11. In paragraph 20 of my Personal Report No. 11,[4] I expressed fear that it would be difficult to get through the Partition Council the terms of conditions of service for the temporary employment of officers and other ranks with the Indian Dominion after the 15th August. I had a paper prepared based on the Report which was brought back recently from London by the Adjutant General, India, and in point of fact all the proposals went through without any difficulty at the meeting of the Partition Council on the 7th July;[5] indeed, I even obtained a 50% increase in India Allowance for other ranks. It was agreed that a general announcement should be issued embodying the terms of conditions of service and it was further agreed that I should issue a personal appeal to British officers to volunteer their services and Nehru and Jinnah have agreed that their names should be linked with this appeal. I attach a copy of the draft appeal[6] I have sent to the Partition Council for their agreement.

12. At the same meeting a decision was also taken about the future of the Federal Court. It was decided that the existing Federal Court should continue as the Federal Court for the Dominion of India and that a separate Federal Court should be set up for Pakistan. Assurances have been given to the present judges and officers of the staff that they will be continued in service on existing terms and conditions and an opportunity will be given to all officers and staff to elect to serve in Pakistan on the same conditions of service.

13. I have had further discussions this week about the composition of the Arbitral Tribunal. A suggestion was put forward that the Federal Court should be used for this purpose, but the Chief Justice's view was that this would be most improper, particularly as it is to continue for one Dominion. He felt, however, that there would be no objection to one or more Judges of the Federal Court being appointed to the Tribunal. It has now been agreed that I should write to Sir Patrick Spens,[7] asking him to accept the appointment of Chairman of the Arbitral Tribunal and to discuss the appointment of one nominee with the leader of each of the main parties. The meeting was unanimous with

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Spens' own view that he should not stay on in India after the work of the Tribunal is finished in any office, or in fact in employment of any nature.

14. I had a further meeting of the Partition Council on the 10th July, on the Agenda for which were a number of papers concerning the Reconstitution of the Armed Forces, which had been put up by the various committees dealing with each Service.[8] Although these papers had been unanimously agreed by the officer representatives of both future Dominions serving on the Committees —in fact in the case of the Naval Committee the representatives of each future Dominion had sat separately and reached almost identical conclusions—the political leaders, particularly of Congress, appeared loth to accept them without further consideration. I wondered whether this was because of mistrust, but eventually concluded that it arose from the complete lack of knowledge on the part of the leaders of anything to do with the Armed Forces. They asked for more time to study the papers and have them explained by experts.

15. I pulled Sardar Patel's leg about this, because I had understood that it was at his request that the Partition Council meeting had been called for that day. He denied this, and it transpired that it was H. M. Patel, the Cabinet Secretary, who had asked for the meeting. (It is not the first time there has been a muddle about names—all the different Menons, too, are most confusing). So it was eventually decided that the political leaders should have the various papers explained to them by their representatives on the different Committees, and that their approval would be assumed unless they commented within 24 hours.

16. The Cabinet Meeting on Wednesday the 9th July was a very tame affair. There was a very short agenda as the routine business of the Government of India has practically come to a standstill. Much of the time was taken up by a discussion, in which there was a distinct note of acerbity, between the Congress and Muslim League over the final destination of 22 million ounces of silver, now lying in the Mint in Lahore.[9] There had been an administrative decision last March that this silver should be moved to Bombay, but for one reason or another it has not yet got under way. It is required ultimately to repay the loan of silver from the United States, and is *not* required for monetary nickel. Although no Congress member actually said so, the fear was quite

[3] No record of this meeting has been traced but cf. No. 52, Case No. P.C. 31/4/47.
[4] Vol. XI, No. 506.
[5] Lord Mountbatten evidently intended to refer to the meeting held on 5 July. Mountbatten Papers, Partition Council Minutes, Case No. P.C. 18/3/47.
[6] Not printed; see the Enclosure to No. 80 for the appeal as issued.
[7] See Vol. XI, No. 516. Lord Mountbatten wrote to Sir P. Spens asking him to accept the position as Chairman of the Arbitral Tribunal on 11 July. Mountbatten Papers, Official Correspondence Files: Arbitral Tribunal.
[8] Mountbatten Papers, Partition Council Minutes, Case Nos. P.C. 34/4/47, 36/4/47 and 37/4/47.
[9] Mountbatten Papers, Cabinet Minutes (India), Part II, Case No. 173/34/47.

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obvious that Pakistan would use this treasure to finance itself, and if 15th August arrived before the silver was in Bombay, that would very likely be the last of it which India would see. Finally the matter was shelved by calling for a report of the full facts involved; this is supposed to come up next week.

17. Under the standstill formula which we have adopted, by which no major decision is being taken pending separation, B.O.A.C. have been stopped from inaugurating their new line to Karachi, Bombay and Ceylon. I asked for the agreement of the Cabinet to the B.O.A.C. application being considered on its merits, and both sides accepted this. The matter is, therefore, now being examined departmentally by the Communications and External Affairs Departments; and if they agree B.O.A.C. will get permission to start their new service.

18. In paragraph 10 to 14 of my Personal Report No. 11[10] I referred to the reconstitution of the Interim Government. I had a further talk with Jinnah during the week[11] and had, I think, almost brought him up to the point when he would have been prepared to discuss the arrangement I described with his followers, in spite of the fact that he regarded it as a deliberate insult to the League. The situation has, however, changed to a great extent during the last three days as a result of the now quite fresh position created by my acceptance of the Governorship [sic] of the Union of India. I pointed out to Nehru and to Krishna Menon, who has once again been invaluable as a "go-between", that my position would be extremely difficult having accepted to stay on with the Dominion of India if the League refused to send in their resignations and forced me to dismiss them and give all portfolios for the whole of India to Members of what will be my own future Government. I am, therefore, now investigating the mechanism whereby these two future governments could hold separate portfolios for their future areas for the three weeks before the actual transfer of power.[12] I believe I may be able to persuade Congress to accept such a scheme and I feel that Jinnah would welcome it provided that the mechanics present no insuperable problem. I attach a draft communiqué[13] on the reconstitution of the Government, which I am putting to the leaders in the course of the next day or so. If both sides will accept this, we shall have got over by far the most difficult hurdle we have had to jump so far.

19. I am most grateful for the very friendly reception which was accorded by the King, the Prime Minister, the Cabinet Committee, and the Opposition to Ismay on his difficult Mission.

20. Now that advice has been so unanimous and strong[14] that I should accept the Governor-Generalship of India and the Chairmanship of the Joint Defence Council, my mind is fully made up and I shall carry on and do my very best. I must however record the feeling which I cannot altogether dismiss that it is a

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tragedy that I have had to take a position with one side when hitherto I have managed to retain my complete impartiality. I must also point out that this will be an extremely difficult position for Congress leaders to put over on their back-benchers; for Jinnah scores an undoubted victory over Congress from a psychological point of view in having an Indian Governor-General for Pakistan.

21. The one bull point in the favour of the Congress leaders is that by my continuing as Governor-General the continuing entity of India as opposed to Pakistan is more firmly established in the eyes of the world. The second is that I have only accepted for the "transition" period—probably about eight months —so that it cannot be looked upon as establishing permanent inequality between the two Dominions.

22. On Thursday 10th July my wife and I gave a small "At Home" to which the members of the Standing Committee of the All-India Newspaper Editors' Conference and the Central Press Advisory Committee totalling about 30 were invited. Members of the former committee represent the most powerful managerial and editorial interests in the non-Muslim press (British and Indian languages) throughout India. During the "At Home" I gave an informal talk and listened to many of their reactions on the 3rd June and Cabinet Mission plans.

23. The feeling at the beginning of the talk was tense. A very excited editor from Calcutta decried the 3rd June plan and another from Lahore spoke of discrimination in dealing with police officials who were responsible for communal tension. I parried their questions and answers explaining the facts to the best of my ability and after a rather difficult ten minutes the atmosphere was cleared and laughter prevailed. At the end of the party I informed them of the nominations for Governors-General, reading out the extract from the Prime Minister's speech.

24. The President of the All-India Newspaper Editors' Conference is Mr. Devadas Gandhi, who is Managing Editor of "The Hindustan Times".

[10] Vol. XI, No. 506. [11] cf. No. 24. [12] See No. 54.

[13] Not printed; see No. 63 and its Enclosure.

[14] In his letter from London dated 11 July 1947 Mr A. Campbell-Johnson explained that he had interviewed a number of prominent persons connected with the press and commented: 'I have briefed them all fully on the situation which has arisen, but without putting forward any view of my own. They were unanimous in urging the need for you to stay on and in stressing that the British Press reaction to your doing so would be favourable and sympathetic.' Campbell-Johnson also mentioned that he had attended the debate on the Indian Independence Bill in the House of Commons on 10 July and commented: 'It is a bad House of Commons and the attendance was nothing like as big as it should have been. The first three speeches were of high quality however and tributes to your work were inspiring to hear. I am sure that if you could come back for a few months and get the feel of the atmosphere here you would realise that you have a body of support in this country which very few Englishmen can hope to achieve for themselves, and which will I am sure stand by you and Lady Louis in the coming months.' Mountbatten Papers, Demi-Official Correspondence Files: Campbell-Johnson, Alan.

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Incidentally he is also the son of Mahatma Gandhi. In his vote of thanks he said he was glad personally that I had been nominated for the post of Governor-General of India. He said, however, that he felt there would be mixed feelings in India at the appointment of a Britisher in this post, especially when Pakistan had nominated an Indian. On obtaining their independence and in the face of this mixed feeling he felt that the Indian leaders of Congress had been courageous in making such a nomination.

25. With the concurrence of the Member for External Affairs (Nehru), have arranged to give official dinner parties on all national occasions of the countries who have ambassadors accredited to Delhi. On the 4th July I invited the new American Ambassador, his Staff and the American colony in Delhi to a dinner, thinking that perhaps 20 or 30 would turn up. Almost 100 names were sent in which made it very difficult to provide enough hosts since we could only seat 138 all told. Both Nehru and Jinnah came to this party and authorised me to extend good wishes to America in my speech. The party appears to have been a very great success. On the 14th July I am giving a similar party for the French; and shall probably give one on the 10th October for the Chinese, and on the 7th November for the Russians.

26. I have persuaded both Nehru and Patel to give me a fairly free hand in negotiating with the States.[15] I am on quite a good wicket, because on the whole the States representatives are pleased that I managed to get the leaders to accept the Cabinet Mission's memorandum[16] of the 12th May, which hitherto no party had accepted. It will be remembered that this plan was specifically quoted in the Statement of the 3rd June,[17] which both parties publicly accepted.

27. I held a meeting this morning[18] with the representatives of Hyderabad, led by the Prime Minister, the Nawab of Chhatari, with three other representatives and also Sir Walter Monckton. I had V. P. Menon, the "India" Secretary of the new States Department, Akbar [?Akhtar] Hussain, the "Pakistan" Deputy Secretary of the new Department, Corfield and three members of the Political Department, in attendance.

28. I was able to concede all Hyderabad requests on the retrocession of the Secunderabad cantonment and the withdrawal of the Indian Army troops. I was also able to meet all their points about retrocession of the railway lands; but Berar proved a very thorny problem. I put it to them that they should try and persuade His Exalted Highness to accept an indefinite standstill agreement about Berar by which the Dominion of India would recognise the Nizam's sovereignty and continue to pay the Rs. 25 lakhs a year in rent. Monckton pointed out that the Nizam would not like an indefinite agreement, since he would feel that he would thus lose sovereignty, and therefore suggested a clause whereby this standstill agreement could be terminated at 12 months notice; and V. P. Menon thought this would be acceptable to the States Department.

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29. Finally, I tackled the most difficult problem of all, the accession, or as I put it the 'adherence', of Hyderabad to the Dominion of India. Up to now the States have all felt that the Dominion of India Government would insist on complete adherence for all the Central subjects, which would virtually mean giving up internal autonomy. But both Nehru and Patel have made the most realistic gesture in authorising me to negotiate on the basis of the three original Central subjects in the Cabinet Mission plan—Defence, External Affairs and Communications.

30. I was able to point out to the Hyderabad delegates what an immense step forward this was over the previous position; and I noted that they were visibly relieved. I pointed out that the standstill agreement which I proposed to negotiate with all the States on the 25th July virtually covered comunications; thus adherence on this point was almost certainly assured. I pointed out further that they might as well equip their armies with bows and arrows as retain their existing arms for all the good they would be when the new post-war weapons and techniques were developed, and that anyhow they could hardly expect to run their own overall defence. I also pointed out that they could hardly expect to run External Affairs on an individual basis and that the two questions were inseparably linked.

31. The Delegation feared that they might not be able to get the Nizam to accept even this very loose adherence to the Centre; but I suggested that a formula could be found which would salve the Nizam's wounded pride and which might yet be acceptable to the States Department.

32. The meeting broke up with a feeling that we had got much further along the road to agreement than anybody could possibly have hoped, and I have invited them to come back on the 24th July for further preliminary discussions; since if I can once get Hyderabad to stop their talk of complete independence and to come realistically forward, this would set an example which I do not believe any other State, not even Travancore, could resist.

33. I have also made arrangements for the Dewan of Travancore, Sir C. P. Ramaswami Aiyer, to come to Delhi to see me, and I am not without hope that I may be able to make Travancore see sense.

34. I must freely admit that I have not been able to grip this States problem before. It will be remembered that I was instructed[19] to adhere to the 12th May Statement and I felt that until this was accepted by the leaders and an atmosphere created in which realism would prevail, I could not make much progress. There is also the small matter that there are only 24 hours in every

[15] See No. 37, Item 2. [16] Vol. VII, No. 262. [17] Vol. XI, No. 45, para. 18.
[18] No. 61. [19] See Vol. IX, No. 543.

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day, which have been pretty fully occupied up to now with the problem of British India and with partition and the transfer of power.

35. I thought it might amuse the members of His Majesty's Government to know that a manifesto was recently issued in Bihar announcing the formation of a Muslim League Left Wing. In laying down the proposed rules of the new party, the first principle was "The Left Wing will always uphold the cause of the right".

M. OF B.

66

Viceroy's Conference Paper. V.C.P. 125

Mountbatten Papers

SECRET THE VICEROY'S HOUSE, NEW DELHI, *11 July 1947*

ISSUE OF ARMS AND AMMUNITION TO STATES

1. At Annex 'A' is a copy of a letter dated 7th July from Sardar Baldev Singh on this subject.

2. This was sent for advice to the Political Adviser, who replied in a letter of which a copy is at Annex 'B'.

3. At Annex 'C' is a note by P.S.V.

4. At Annex 'D'[1] is a copy of a letter sent to Sir Eric Mieville by the Deputy C.-in-C.

5. This paper, and the line which His Excellency should now take, will be discussed at the next Viceroy's Staff Meeting.

V. F. ERSKINE CRUM
Conference Secretary

Annex 'A' to No. 66

Sardar Baldev Singh to Rear-Admiral Viscount Mountbatten of Burma

SECRET DEFENCE DEPARTMENT, NEW DELHI, *7 July 1947*

Dear Lord Mountbatten,

All kinds of rumours are afloat about States and other private parties collecting arms. Most of these rumours are highly exaggerated and it is impossible to take notice of all of them, but wherever we have an effective say in the matter, we should put a stop to the supply of arms specially these days.

A number of States have put forward their demands for the supply of arms and equipment as normal replacements. I have discussed this with the Commander-in-Chief and have been informed that the orders for these supplies to the States are issued by you in the capacity of Crown Representative and

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that the Defence Department or the Defence Member have technically no jurisdiction. I do not share this view, but without going into technicalities, I may say that my real purpose in writing this letter is to emphasise that it is absolutely essential that utmost care should be taken in the matter of issuing arms and equipment during this transitional period. In fact, I am of the view that no arms at all should be supplied for the State Forces or their Police until the new Dominions come into existence. I shall therefore be glad if you will kindly agree to the suspension for the present of supplies to the Indian States.

Yours sincerely,
BALDEV SINGH

Annex 'B' to No. 66
Sir C. Corfield to Sir G. Abell

SECRET NEW DELHI, *9 July 1947*

My dear Abell,

Please refer to your endorsement, No. 681/221 of the 8th July 1947, forwarding a copy of a letter from the Hon. Member for Defence dated 7th July, about supply of arms and equipment to States.

I think it would be quite improper to suspend supplies of the legitimate requirements of arms and equipment to Indian States Forces and Police.

Such arms etc. are in the case of States Forces issued only to authorised units in the establishment of which the Defence Department has concurred based on the advice of the Military Adviser-in-Chief supported by the Political Department.

In the case of Police it has been agreed in the past that States Police Forces, if certified by the Political Department to be adequately trained and disciplined, should be armed and equipped on the same scale as Provincial Police Forces. This is only fair since the responsiblility for internal security rests upon each State Government even more directly than upon Provincial Governments.

In this connection I enclose a copy of my letter[2] of the 15th April 1947 to the Hon'ble the Defence Member and of his reply,[3] as a result of which a discussion was held with the Deputy Commander-in-Chief. A copy of the record of the discussion on this point is enclosed.[4]

[1] Not printed. In the letter referred to, the Deputy C.-in-C. stated that, with regard to the issue of guns and ammunition to the States, the following rules were being observed: (1) no extra issue to any form of States Forces or States Police; (2) normal maintenance to continue to Indian States Forces; (3) normal issues to be made to States Police on demands duly received from Home or Political Department through the Defence Department. It was emphasised that 'normal' issue referred only to rifles and muskets and, in the case of officers, pistols. It did not include automatic guns, like the Bren or the Tommy.

[2,3] and [4]. Not printed. A note attached to this letter stated that the discussion, which was attended also by the Secretary of the Defence Department, agreed broadly that the ordinary legitimate requirements of the States Forces and Police should be met as far as possible, and that requests for increases would be considered by G.H.Q. on their merits if the Crown Representative considered that they were necessary for the maintenance of internal security.

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I would also draw attention to His Excellency's letter No. 681/22 dated the 10th May to H.H. the Nawab of Bhopal, of which a copy is also enclosed.[5]

Yours sincerely,

C. CORFIELD

Annex 'C' to No. 66

Note by Sir G. Abell

10 July 1947

1. I think it would be best to talk to H.M. Defence about this because it is not at all an easy matter.

2. It is natural enough that the Congress, with their views about the States, should object very strongly to providing arms for, e.g., Hyderabad or Travancore or Bhopal.

3. On the other hand, there is a clear obligation on the Crown Representative to see that normal or justifiable supplies of arms and ammunition are not held up at this time, which is so critical for the States.

4. I have ascertained from Political Department that there is, in fact, a complete hold up at the moment and nothing is being sent.

5. I fear that in any case it would be very difficult to overcome obstructi on so successfully as to get large supplies sent off before 15 August.

6. I think, however, that an attempt should be made and that Y.E. should tell the Defence Member when you see him that you think that properly authorised demands should be met at once, in accordance with the agreed policy, and you hope that this will go ahead at once, subject to discussion with Defence Member if in any particular case he feels that there is justification for refusal to supply the arms, and equipment.

[5] Not printed. A note attached to this letter indicates that the letter in question was sent by Lord Mountbatten to the Nawab of Bhopal, saying that he was taking an interest in the supply of essential equipment to States Forces.

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Record of Interview between Sir E. Jenkins (Punjab) and Jathedar Mohan Singh and Sardar Harnam Singh

R/3/1/176: f 249

11 July 1947, 3.00 pm

Jathedar Mohan Singh and Sardar Harnam Singh of the S.G.P.C. came to see me at 3 p.m. today. They raised certain points concerning arrangements after 15th August, which I have passed on to Sardar Swaran Singh in a d.o. letter[1] a copy of which is appended to this note.

2. Jathedar Mohan Singh then embarked upon a long statement of the Sikh claim and said that I was solely responsible for seeing that the Sikhs got justice. I pointed out that the Boundary Commission was appointed by the Governor-General and would report to him. I could not give orders to the Commission; nor did I suppose for one moment that the President would ask me to advise him. Jathedar Mohan Singh said that since there was no hope of a unanimous report, the Governor-General would in the end have to decide what to do and would then presumably ask my opinion, which might be decisive. I replied that the Governor-General might or might not ask my opinion and might or might not follow it if it were given.

3. Jathedar Mohan Singh talked a lot about the difficulties of the Sikhs and took the same line as Giani Kartar Singh yesterday.[2] He said that the only solution was a very substantial exchange of population. If this did not occur, the Sikhs would be driven to facilitate it by a massacre of Muslims in the Eastern Punjab. The Muslims had already got rid of Sikhs in the Rawalpindi Division and much land and property there could be made available to Muslims from the East Punjab. Conversely the Sikhs could get rid of Muslims in the East in the same way and invite Sikhs from the West to take their places. He did not put his case quite as crudely as this, but his general ideas were clear. He said that the Sikhs were being ridiculed as cowardly, but they were not going to act upon the taunts of the Hindus; their plan was to act in a big way immediately after the transfer of power. Strong distrust of the Congress was apparent throughout his statement of the Sikh case. When I suggested that in the East the Sikhs might secure the Premiership or Governorship, he said that concessions of this kind were valueless and the Hindus would see to it that Sikh influence was gradually eliminated.

4. This was a depressing conversation, but Jathedar Mohan Singh is quite

[1] Not printed. [2] See Enclosure to No. 56.

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a cheerful person and in talk at least comparatively sensible. He realises that there will be little point in the kind of disturbances the Sikhs have in view, though he regards them as more or less inevitable.

68

Sir A. Hydari (Assam) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Official Correspondence Files: Assam, Situation in

GOVERNMENT HOUSE, SHILLONG, *11 July 1947*

2. My visits to Kohima and Manipur were, I think, successful. At Kohima I had prolonged discussions with representatives of ten of the Naga tribes and as a result came to an understanding with them in respect of their future relationship with the Province and the Union Government. My Prime Minister and the Constituent Assembly Advisory Committee on Tribal Areas, which has been sitting in Shillong, agree generally with the substance of the proposed arrangements. It is now for the Constituent Assembly to consider the matter. I have sent a copy of the Heads of the proposed understanding to Pandit Nehru.[1]

* * *

5. I again visited Sylhet on the 9th to obtain firsthand information from the civil and military authorities as to how the referendum had gone. There were also present at my conference the military officers whom you were good enough to send. They all spoke from personal knowledge. They confirmed the correctness of the first report that the referendum had been carried out peacefully, and that the stray instances of disorder could not by any stretch of imagination be magnified into a widespread breakdown of law and order which had been alleged in some quarters.[2] I got the two Surma Valley Ministers—Basanta Kumar Das (Home Minister) and Baidyanath Mookerjee (Supply Minister) to attend this Conference and the officers present, including those you had sent, were able to prove to them how unfounded were the allegations to which they had been inclined to give credence. On my return to Shillong the same evening I had the Prime Minister to dinner and gave him a full account. As he was leaving for Delhi the next morning I wanted to put him in the picture so that he would be able to answer allegations which may be made to him there.

6. It is only a guess, but it looks as if the referendum will go in favour of the League; and the Prime Minister and I, as well as my officers, think that the

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wildly irresponsible statements given to the Press by Basanta Kumar Das and other Bengali workers were due to their realisation that they were losing the battle and so provide an explanation in advance of their defeat.

7. On the whole, I think the officers, both civil and military, and the men have done an extremely good job of work. In addition to the senior military and civil officers the work of the Presiding and the Polling officers who are small men—school masters, clerical assistants etc.—drawn from all over the Province has been, with a few exceptions, entirely praiseworthy. The military especially were feeling annoyed at the accusations hurled at them, the Assam Rifles and the Police, and therefore at the Conference, and in the presence of the two Ministers, I paid them a tribute for their good work which I repeated later to the A.P.I. correspondent.

* * *

[1] It may also be noted that on 15 July 1947 a letter and telegram were sent to the Prime Minister by Lal Biak Thanga, Chairman of the United Mizo Freedom Organisation, on behalf of the people of the Lushai Hills. Copies were also sent to Lord Listowel, Sir Stafford Cripps, Mr A. V. Alexander and Mr Churchill. The telegram and letter urged that the recommendations of the Advisory Committee on Minorities of the Constituent Assembly should not be accepted as binding until the end of December. This was to give the people of the Lushai Hills time for the 'full and free development' of their ideas and the expression of their 'real wishes'. As with the earlier communications received from the Naga National Council (see Vol. X, No. 134, note 7), the India Office sent no acknowledgement of this representation either on behalf of the Prime Minister or of the Secretary of State for India. L/P &J/7/10635: ff 77–8 and 67.

[2] cf. Nos. 94 and 95.

69

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/83: f 82

SECRET EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
11 July 1947

Dear Lord Mountbatten,

Sardar Baldev Singh has just shown me your letter to him, dated the 11th July[1] and the draft of the statement you propose to issue asking the British personnel to stay on for the interim period during the reconstitution of the armed forces.

You know that we attach the greatest importance to the rapid nationalisation of the defence services. It was our original plan that this should be completed by June 1948. The partition activities have come in the way, but, nevertheless, I trust that nationalisation will be pushed on as rapidly as possible. It is incongruous for the army of a free country not to have its own

[1] This letter was in similar terms to No. 64.

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officers in the highest ranks. As soon as India becomes a Dominion the control of the army naturally fully rests with the Dominion Government. I take it that this is clear; but some confusion has arisen owing to the process of division going on. This process will not, I presume, lessen in any degree the control of the army by the Dominion Government as well as the rapid Indianisation of the Army.

I entirely agree with you that during the interim period the services of the British officers and technical specialists will be required. We shall welcome them. But I trust that when this interim period is over, and the date fixed for it is the 31st March 1948, the number required will be greatly reduced. A sentence in your statement about large numbers of British personnel volunteering might give rise to the impression that we are continuing a very large number of British officers rather indefinitely. This would be unfortunate and will be criticised.

I am anxious that senior Indian officers should be associated immediately with work at the topmost level. I am rather surprised that no promotions have been made among them during the last few months, although that was the recommendation of the Nationalisation Committee. I do not suppose that promotions would have come in the way of partition. It is not merely a question of promotion but of association at high levels.

I should have liked the Armed Forces Reorganisation Committee also to have senior Indian officers associated with it. This seems to me not only psychologically but also practically necessary. They will have to assume responsibility soon and the sooner they begin to discharge it the better.

I am told that a number of senior officers and others employed in the Defence Department have opted for service in Pakistan. Those who have done so should not serve in any committee for partition, except as representatives of Pakistan. Indeed, I would suggest that the time has come for all persons who have opted for Pakistan to transfer their services forthwith to working for Pakistan. It is incongruous and it will lead to difficulties if they continue to serve in our present departments.

Yours sincerely,

JAWAHRLAL NEHRU[2]

[2] Lord Mountbatten's reply, dated 12 July, was in the same terms as No. 80 with the addition of a second para. reading as follows: 'You will notice that I have changed the wording from "a large number" to "sufficient" which I think will meet the points you made in your letter of 11th July.' R/3/1/83: f 87.

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H.M. Minister at Kabul to Secretary of State

Telegram, L/P&S/12/1812: f 296

IMPORTANT KABUL, *11 July 1947, 6.00 pm*
Received: 12 July, 9.40 pm

No. 61. As reported in my despatch No. 63 of July 5th[1] I called on Afghan Foreign Minister and spoke as instructed in Forminka No. 57.[2]

2. On July 10th Foreign Minister handed me his Government's reply in a six-page letter which he read in Persian. Translation will follow but reply is not helpful. It consists mainly of contradiction of statement in para 3A of Forminka 56[3] that area forms integral part of India. (? Afghan) thesis is supported by reference to three Afghan wars and subsequent treaties and to account in Volume 13 of Aitchison's Treaties. Letter also argues that it was the British and not Indian Government that seized these Afghan territories and that their transfer to India therefore is arbitrary act out of keeping with British sense of justice. It repeats old arguments and claims that referendum under present limitations would lead to absorption of Afghans of North West Frontier Province under alien rule which cannot be acceptable and that it would inevitably leave legacy of disagreement between Afghan and whichever Government is responsible for the area.

3. In reply I informed Minister for Foreign Affairs of contents of Forminka No. 60,[4] argued that further appeal to His Majesty's Government to change its course was stubborn and that present publicity campaign would only ensure maximum resentment from His Majesty's Government, India and Pakistan. Afghan Government should look forward not backward and should now seriously consider how problems of mutual interest especially assistance to Frontier security could best be solved in friendly negotiation with new

[1] Not printed.

[2] This telegram informed H.M. Minister at Kabul that on the subject of the Afghan Government's claims regarding the N.W.F.P., he should reply to the Afghan Foreign Minister on lines already established in recent telegraphic correspondence. Specifically, he was instructed to inform the Foreign Minister that the arrangements contemplated in the 3 June statement had been expressed in general terms only and that they would be elaborated in due course by further announcements made from time to time by the Governor-General. He was also instructed to explain that the Government of India could not accept one of the Afghan Government's alternative suggestions that the N.W.F.P. should become an independent state. Finally, he was told to point out that if the Afghan Government was contemplating embarking on some diversionary adventure in the tribal areas, the Government of India would probably respond by withdrawing provision for further economic assistance and military supplies to Afghanistan. L/P&S/12/1811: ff 65, 73–75, 81 and 82.

[3] Vol. XI, No. 453.

[4] This telegram reiterated that H.M.G's attitude was based upon the view that the Anglo-Afghan Treaty of 1921 would remain valid when power was transferred to the new dominions. L/P&S/12/1811: ff 63–4.

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(probably Pakistan) Government whose friendship was of vital importance to Afghanistan.

4. Press campaign continues on now familiar lines, I will examine Afghan reply in detail but meanwhile no further reply seems called for.

Repeated to Government of India External Affairs and Commonwealth Relations Department and N.W.F.P.

71

Mr Turnbull to Sir A. Carter

L/P&J/10/81: f 21

11 July 1947

Sir Archibald Carter,

Here is my attempt[1] at a statement about the Arbitral Tribunal in reply to Mr. R. A. Butler. I don't like it at all because I think he has made a very good point. If we say that we don't put any in because the Indian leaders do not want it or have not asked for it, we invite the question whether that does not show that the Congress leaders are not very ardent for fair division of assets. It is also rather near the wind because Jinnah has asked outright that H.M.G. should ensure that there is a fair division of assets and should do their best to rectify any departure from a fair division by allocating sterling balances to the injured party. No-one could say that this is totally impracticable but the position of H.M.G. is that they are not prepared to do anything to enforce a fair partition and the only thing to do seems to be in effect to say so.

F.F.T.

[1] No. 72.

72

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/81: ff 22–5

MOST IMMEDIATE INDIA OFFICE, *11 July 1947, 10.45 pm*

SECRET *Received: 12 July, 6.00 am*

No. 8975. Opposition have informed us that they intend to urge strongly in Committee on Monday that provision should be included in the Bill for an arbitral tribunal. They will ask why if it has been agreed in principle between Indian Leaders as stated by Prime Minister that an arbitral tribunal should be set up "to which should be referred any question regarding division of assets and liabilities of which the two Governments cannot reach agreement", provision for such a tribunal should not be included in the Bill as has been done in the case of Boundary Commissions and the awards of this tribunal made

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binding by the Bill on both new Dominions. They will also ask what are the terms of reference of this tribunal.

2. I should be grateful to be informed not later than Sunday evening latest position and especially whether any terms of reference have yet been settled.

3. Following is a very tentative first draft of proposed answer on this rather awkward point. I should be grateful for your observations and advice.

Reply begins. "I am asked why there is no provision in the Bill for an arbitral tribunal for settlement of disputes in regard to partition of central assets liabilities etc. The first answer is that the Bill gives effect to the plan agreed to at conference of Indian Leaders held by the Viceroy to conclusions of which expression was given in statement of H.M.G. of June 3rd. It was there agreed that final boundaries should be demarcated by the Boundary Commissions but there was no agreement about an arbitral tribunal. Secondly while Indian parties have agreed in principle to the establishment of such a tribunal they are still discussing personnel of tribunal and question of its terms of reference is still outstanding. I suggest to the House that it would be of very little use for us to put into this Bill a provision that there should be an arbitral tribunal unless we were also to state precisely what basic functions were but this would involve drafting elaborate terms of reference. In practice any findings of the tribunal will have to be given executive effect by Orders of the Governors-General jointly. It is one thing to refer absolutely to an arbitral Commission the final demarcation of boundaries when broad principle on which partition is to take place has been agreed upon and another for the Act to give absolute and final authority to such Commission in regard to the whole host of administrative and financial matters which arise out of a partition such as is taking place in India. I suggest to the House that it would not be wise for us to include a provision in the Bill of the kind which the Right Hon'ble Gentleman has suggested. The first principle of this Bill is that in future Indians must manage their own affairs on the basis that the two separate Dominions are set up in India. It will not in our view add anything to [the] probability that partition will be successfully and smoothly effected for Parliament to make provision as to manner in which it should be carried out. We should not therefore make any provision of the kind except on the express request of both Congress and the League Leaders." *Reply ends.*[1]

[1] Sir A. Carter made certain amendments to Mr Turnbull's original draft of this telegram. In particular, he deleted the following three sentences which Turnbull had included after the word 'Leaders': 'I must make it quite clear that His Majesty's Government would not be prepared to undertake to enforce on either of the new Dominions the findings of an Arbitral Tribunal. If Hon. Members opposite desire that this country should assume that task they should make their position clear. If not I suggest that it is unwise on their part to propose that legislation of Parliament should make provision as to how the partition should be carried out.' L/P &J/10/81. For the subsequent exchanges at the Committee stage of the Bill, when the question of an Arbitral Tribunal was raised by Mr Macmillan on behalf of the Opposition and the Attorney-General replied in terms which did not exactly follow what had been suggested in the draft above, see *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, cols. 124–9.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/81: f 26

IMMEDIATE INDIA OFFICE, *11 July 1947, 11.45 pm*
SECRET *Received: 12 July, 8.00 am*

No. 8974. I have been considering further the position as regards Order making power under Clause 9 as affected by decision that there shall be two Governors-General from 15th August. It is clear that this decision may greatly limit the use of that power and obstruct the processes of achieving a fair partition. No doubt the Muslim League are themselves to blame for any such consequences but we should wish to do what we can to obviate such a situation.

2. I should be grateful therefore if you would consider whether before the 15th August you could make an Order setting up an Arbitral Tribunal and announcing its terms of reference, and soon afterwards and also before 15th August issue another Order defining a field of matters within which, failing agreement between the two Dominion Governments, decisions of the Tribunal would be final. The object would be to arrive before 15th August at a position in which in a considerable field of matters decisions of Arbitral Tribunal would be given effect by executive action only and would not require to be implemented by Order made on advice in each Dominion separately.

3. It would, of course, be necessary to get agreement of the parties both on the personnel and terms of reference of the Arbitral Tribunal and on the field of matters to which the Order would apply. If anything of this kind were possible it would clear out of the way a large area of controversy in the period after 15th August. I appreciate that this may not be obtainable but you may like to consider the possibility, and if you pursue it I should be glad to know what comes of it.

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Pandit Nehru to Mr Attlee

R/30/1/12: ff 17–18

PERSONAL EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
11 July 1947

My dear Prime Minister,
V. K. Krishna Menon is returning to England and I am asking him to carry this note with him[1] and to convey my greetings to you. He has been in intimate

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touch with us during the past few weeks here and I think he might prove helpful in explaining the situation here.

In view of the impending changes the post of the High Commissioner for India in London has an added significance. We attach considerable importance to it as we do to the future relations of India with the U.K. We have therefore given a great deal of thought to the choice of a suitable person for this post. In consultation with the Viceroy and my colleagues we have decided to appoint Krishna Menon to this post. I feel sure that with his knowledge of both India and England and the intimate contacts he has in both countries, he will [be] of great help to us in the new conditions that we shall have to face. I trust that he will receive all possible help from your Government.

We do not propose to make any announcement about Krishna Menon's appointment till early in August. This is just for your personal information.

We are going to have plenty of difficulties in the future but I earnestly trust that this future will see a growing friendship between India and England.

Yours very sincerely,

JAWAHARLAL NEHRU

[1] Upon his arrival in London on 13 July, Mr Krishna Menon forwarded this letter, together with the one from Lord Mountbatten (see No. 55, note 1) to Downing Street and wrote himself asking for an interview with the Prime Minister on the same day. R/30/1/12: f 16.

75

States Department to Residents

Telegram, Monckton Trustees, No. 39: f 12

IMMEDIATE NEW DELHI, *11 July 1947*

No. 1–S. Reference Polindia Express letter No. F.46–R(S)/47 dated 21st June 1947[1] and subsequent telegram No. 1810–P dated 8th July 1947.[2] It is proposed that meeting between States' representatives and States Department should be held in Delhi on 25th July and following days. His Excellency Viceroy will preside at opening meeting. It is hoped that States themselves will hold preliminary meetings before 25th July for selection of small representative Committee to conduct actual negotiations and arrive at agreement which could be signed by accredited representatives of individual States.

2. Agenda for conference will be

(1) Accession of States to appropriate Dominion in respect of Defence, External Affairs and Communications on basis of Part II Government of India Act, 1935 as adapted.

[1] Vol. XI, No. 287. [2] No. 2.

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(2) Standstill Agreement.

(3) Advisory Council for States Department.

(4) Arbitral procedure for settlement of disputes between States and Provincial or Dominion Government.

(5) Extradition.

(6) Channel of correspondence and representation of Dominion Government in States.

3. Explanatory Memoranda will follow shortly.

4. Please inform all States immediately.

5. Political Department have seen.

6. Hyderabad Delegation now in Delhi will be given copy of this telegram.

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Minutes of Viceroy's Fifty Seventh Staff Meeting, Items 1 and 5

Mountbatten Papers

SECRET

Those present during discussion of Items 1 and 5 of this Meeting held at the Viceroy's House, New Delhi on 12 July 1947 at 10.30 am were: Rear-Admiral Viscount Mountbatten of Burma, Sir G. Abell, Rao Bahadur V. P. Menon, Colonel Currie (Item 1), Captain Brockman, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum.

Item 1

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

HIS EXCELLENCY THE VICEROY said that he had shown the draft statement[1] on the Reconstitution of the Interim Government to Pandit Nehru and Sardar Patel the previous day. Pandit Nehru had raised no objections to this statement, but Sardar Patel's first reactions had not been so favourable.

Amendments to this statement were suggested, and approved by THE VICEROY.

HIS EXCELLENCY THE VICEROY:

(i) directed Pers. Sec. to send a copy of this statement, as redrafted, to Pandit Nehru;

(ii) directed the Reforms Commissioner to draft an Order-in-Council on the Reconstitution of the Interim Government;

(iii) directed P.S.V. to prepare a note on this subject for the next Cabinet Meeting, together with letters to Pandit Nehru and Mr Liaquat Ali Khan.

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Item 5

THE POST-REFERENDUM PROBLEM IN THE N.W.F.P.
(V.C.P. 126)

A letter[2] from the Governor of the N.W.F.P. was discussed. This letter contained an appreciation of the courses open in connection with the Government of the N.W.F.P. after the result of the referendum was known. HIS EXCELLENCY said that it was clear to him that, if the N.W.F.P. opted for Pakistan, he should in this matter act on the advice of the embryo Pakistan Government which was to be set up. This was yet another reason for reconstituting the Interim Government as quickly as possible.

MR SCOTT suggested that a copy of the Governor's appreciation should be given to Mr Jinnah. THE VICEROY approved this suggestion, but asked Mr Scott to ensure that there was nothing in the letter which was unsuitable for this purpose.

HIS EXCELLENCY THE VICEROY

(i) decided, in connection with the post-referendum problem in the N.W.F.P., that he would act on the advice of the embryo Pakistan Government, which was to be set up;

(ii) directed D.P.S.V. to ensure that there was nothing in V.C.P.126 which should not be shown to Mr Jinnah; and decided, if there was not, to give a copy of this paper to Mr Jinnah.

[1] See Enclosure to No. 63.
[2] V.C.P. 126 is the letter from the Governor of the N.W.F.P. at No. 45.

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Government of India, Press Information Bureau to India Office

Telegram, L/P&J/10/81: f 15

I. AND B. DEPARTMENT, NEW DELHI, *12 July 1947*

No. B.496. Final decisions have now been reached by the Partition Council regarding the allotment of units of the Armed Forces between the future Governments of India and Pakistan, says a communiqué. Reconstitution of the Armed Forces will proceed in two stages. The decisions now arrived at refer to the first stage, namely, "a rough and ready division on a communal basis". These decisions will by no means prejudice the second stage, namely, "the combing out of units on a basis of the voluntary transfer of individuals".

These decisions are based on the unanimous recommendations of the Armed Forces Reconstitution Sub-Committee and the Armed Forces Reconstruction Committee. Recommendations regarding reconstitution of the Royal

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Indian Air Force and some units of the Indian Army have not yet been made by the Partition Council.

Following will eventually be the division of the ships of the Royal Indian Navy:

India:	All existing landing craft and 32 ships, of which there will be 4 sloops, 2 frigates, 12 minesweepers, 1 corvette, 1 survey vessel, 4 trawlers, 4 motor minesweepers and 4 harbour defence motor launches.
Pakistan:	16 ships including 2 sloops, 2 frigates, 4 minesweepers, 2 trawlers, 2 motor minesweepers and 4 harbour defence motor launches.
Indian Army:	India is allotted 15 Infantry regiments, 12 Armoured Corps units, 18½ Artillery regiments and 61 Engineer units. Pakistan: 8 Infantry regiments, 6 Armoured Corps units, 8½ Artillery regiments and 34 Engineer units.

In allotting ships, infantry, armoured corps, artillery etc., the requirements of each Dominion have been kept in view and care taken to see that the actual allotment results in each Dominion getting its fair share.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/94: f 29

12 July 1947

Dear Mr Gandhi,

Thank you for your letter of the 11th,[1] which by a coincidence arrived the same day as the reply[2] from the Maharaja of Kashmir which I enclose.

He reiterates the views he so strongly expressed to me when I was in Kashmir and which I passed on to you: "A tiny spark, in spite of the best intentions in the world, may set alight a conflagration which it would be impossible to control".

As I told you, the Maharaja was strongly opposed to any Muslim League leader coming to Kashmir, and I had asked Mr. Jinnah not to go or send anyone.

The Maharaja always told me he would make up his mind about joining one side or the other as soon as he could see what the respective constitutions were going to be like and could gauge the feelings of his people.

I am of course prepared to send any reply you would wish to the Maharaja, either by letter at some length or if you would prefer it by telegram through the Resident.

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I understand that you contemplated a visit to Noakhali. Would you like me to return to the charge and urge acceptance of your visit immediately after the Noakhali visit, or do you feel it is urgent that you should go before?

I repeat I place myself at your service at this moment, but feel you may like to discuss the actual wording of the reply with me. I will therefore arrange for one of my Staff to ring up and find out whether you would like to have a meeting today or tomorrow.

Yours very sincerely,

MOUNTBATTEN OF BURMA

[1] This letter read: 'I am still without any news from Kashmir. I wonder if you can remind the Maharaja. If I was not bound by any promise made to you, of course I would not want any permission to go to Kashmir. I would simply go as any private person.' R/3/1/94: f 24.

[2] Enclosure to No. 4.

79

Sardar Baldev Singh to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/83: f 85

IMMEDIATE DEFENCE DEPARTMENT, NEW DELHI, *12 July 1947*

Dear Lord Mountbatten,

I thank you for your letter of yesterday's date[1] enclosing a copy of the Statement you propose to issue regarding the retention of British personnel of Armed Forces. I showed it to Pt. Jawaharlal Nehru when I met him. I did so because when we had discussed the matter in our meeting[2] with Your Excellency, Mr Jinnah had said that it should be shown to the leaders of both the Parties before it was issued. I hope therefore that my showing it to Pt. Nehru was in order.

Pt. Nehru has sent me a copy of his letter[3] to you in this connexion. I have explained to him that the employment of British officers is not for an indefinite period and that, as a fact, the terms clearly indicate that the employment will be for a year subject to three months' notice, except where the Dominion concerned would offer employment for a longer period.

I have no particular objection to the issue of the proposed statement. In order, however, to meet the views of Pt. Nehru, it would be better if the new terms were also released simultaneously with the statement.[4]

[1] See No. 64, note 1.

[2] No record of this meeting has been traced. However, at a meeting of the Partition Council on 5 July it was agreed that Lord Mountbatten should, at his discretion, be empowered to appeal to British officers to volunteer their services, and that the names of Pandit Nehru and Mr Jinnah might be linked with this appeal. Mountbatten undertook to show the two leaders the text of this appeal before he made it. Mountbatten Papers, Partition Council Minutes, 5 July 1947, Case No. P.C. 18/3/47. See also No. 65, para. 11.

[3] No. 69.

[4] A note on the file dated 16 July by Sir G. Abell states that he had verified from G.H.Q. that it was the intention to issue the appeal and the new terms simultaneously. R/3/1/83: f 99.

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As regards our policy of nationalisation and in particular immediate promotion of some senior Indian officers, I have already written[5] to you separately and I am glad to note that you are taking it up with the C-in-C.

Yours sincerely,
BALDEV SINGH[6]

[5] Not traced.
[6] Lord Mountbatten replied on 16 July referring to the interview between Sir A. Smith and Pandit Nehru (No. 88) and saying that he thought the points which Pandit Nehru had raised in No. 69 were now clear. R/3/1/83: f 100.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Liaquat Ali Khan, Sardar Vallabhbhai Patel, Dr Rajendra Prasad, Sardar Baldev Singh, Mr M. A. Jinnah

R/3/1/83: f 86

12 July 1947

With reference to my letter of 11th July,[1] I am forwarding herewith a copy of the statement[2] in the form in which it will be issued to the British officers and men serving in India. It is not being issued to the press, but is being sent out by air to all Commands in India for distribution as necessary.
★

Yours sincerely,
MOUNTBATTEN OF BURMA[3]

★ to Mr. Jinnah only: You will see that I have included in the second paragraph the small addition[4] which you suggested.

Enclosure to No. 80

R/3/1/83: f 88

THE VICEROY'S HOUSE, NEW DELHI, *12 July 1947*
TO ALL BRITISH SERVICE PERSONNEL IN INDIA

The Indian Army Forces have now to be reconstituted in accordance with the policy agreed by the Indian leaders. All concerned are convinced that British officers are needed for the period during which the Armed Forces are being divided and reconstituted.

The Commander-in-Chief and Senior Officers of all three Services at Defence Headquarters are staying on for this period. The Commander-in-Chief, who is assuming the title Supreme Commander, will be responsible under the general direction of the Joint Defence Council of the two Dominions for reconstituting the Armed Forces. At the invitation of Pandit Nehru and

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Mr. Jinnah, I have willingly accepted the Chairmanship of this Joint Defence Council as an independent Chairman. The Supreme Commander will continue to be advised by the existing Naval, Army and Air Staffs. When the task is done the Supreme Commander and these other British officers will go, but others will be required to see the Defence Forces of the two Dominions firmly established.

The strain which will be thrown on Officers of the Indian Services in carrying out this reconstitution, in addition to ordinary adminstration and training, will be considerable and if a large number of highly trained and experienced British Officers are suddenly removed the risk of a serious break-down will be very real.

Pandit Nehru and Mr. Jinnah have expressed the desire and hope that the requisite number of British Officers and Other Ranks, including technical specialists, will stay on. I share their feeling and hope that available British personnel will volunteer, although I want it to be clearly understood that no one will be compelled to serve on if he does not wish to do so.

The terms and conditions of service under which British Officers and Other Ranks will be asked to volunteer have been approved by the representatives of both the new Dominions and by me, and His Majesty's Government in the United Kingdom have concurred. These terms will be published immediately.

I shall be proud to be associated with those who will stay on and help in this great task.

MOUNTBATTEN OF BURMA

[1] No. 64, note 1. [2] See Enclosure.
[3] A note on the file copy indicates that copies of this letter, together with the enclosed statement, were sent out on 13 July.
[4] See No. 64, note 3.

81

Note by Sir G. Abell[1]

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II (b)

12 July 1947

THE PUNJAB

GENERAL

I had a long talk with the Governor of the Punjab last night and I attach at Annexure 1[2] a copy of a very brief appreciation of the situation which he prepared. There is no doubt that the Sikhs are in a dangerous mood and Giani

[1] This note was circulated as V.C.P. 128 of 13 July.
[2] See Enclosure.

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Kartar Singh, who saw the Governor on the 10th July, practically delivered an ultimatum to the effect that the Sikhs would not accept the notional boundaries and would go in for guerilla warfare after 15th August. I attach at Annexure II[3] an interview note which shows how very frank the Giani was about the Sikhs' intentions.

THE POSSIBILITY OF A MINISTRY

I discussed this subject very fully with the Governor. I was surprised to find to what an extent the representatives of the successor authorities are already consulted and allowed to have their way about all matters other than law and order. For instance, all proposals for transfer of assets of the Punjab Government of any kind, all transfers of personnel, all important contracts, all expenditure over Rs. 5,000, all leases of land and so on are referred to the Steering Committee and they consult their principals (i.e. the League and the Congress) wherever necessary. Thus the position is that the parties are fully in touch except over law and order. The difficulty about law and order is that the problem relates primarily to Lahore and Amritsar. These, and especially Lahore, are disputed cities. If even regional ministries are secured, Lahore has to be handed over to the care of the Muslim League group and since the Sikhs absolutely refuse to accept the notional boundary the result would inevitably be a major explosion. Similarly, there would probably be serious trouble in Amritsar if the Congress and the Sikhs took over law and order in that city before the Boundary Commission has reported.

I came away, therefore, convinced that in present circumstances and in the absence of any effective demand for any form of Ministry it is necessary to leave things for the time being as they are.[4]

PARTITION WORK

The Governor considers this is going ahead very slowly but it is more advanced than in Bengal. Decisions are practically complete about the splitting up of the Services and a settlement has been reached about joint institutions. Now that an agreement has been reached at the Centre over the High Court this also will present no difficulty. There is, however, no settlement yet about the division of assets and this is the hard part of the work. Undoubtedly there will be a great many loose ends on the 15th August but, subject to one point which I mention below, I think it will be possible for a new Government to be set up.

REFERENCES TO ARBITRATION

There is a deadlock in the Partition Council and the Parties wish to refer the dispute, on the lines of the following issues, to the Central Arbitral Tribunal which has not yet been set up.

1. Should the partition proceedings continue on the basis of the notional

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boundary or should they be stayed pending report of the Boundary Commission?

2. On the assumption that they should proceed on the basis of the notional boundary should both Governments be located in Lahore until the Boundary Commission passes its award?

3. On the same assumption, what arrangement should be made for the interim administration of districts in dispute?

BOUNDARY COMMISSION

The reservation to which I referred above is about the unwillingness of the Sikhs and the Hindus to set up a Government at all, except in Lahore, on 15th August. They consider that to move from Lahore would prejudice their claim to the city and they absolutely refuse to recognise the notional boundaries. The Governor's view is that there is something in the claims of the Sikhs to a part of the fertile colony land of Montgomery District, since they were pioneers in establishing the new canal colonies in the District and in Lyallpur. If this could be arranged he thinks a settlement out of court with the Muslim League might be possible. The Governor is convinced that the Boundary Commission will not be able to produce an award which will solve the problem except by negotiations out of court. He is also convinced that if there is no compromise the Boundary Commission will not be able to finish their work by 15th August.

RECOMMENDATIONS

H.E. the Governor agrees with the following recommendations:

1. There should for the present be no attempt to form a Ministry.

2. Y.E. or a member of your staff should tackle Mr Jinnah and ask him whether the Muslim League would not be prepared to negotiate out of Court with the Sikhs in order to prevent the confusion and bloodshed which is probable otherwise. In particular he should be asked whether the League would consider offering voluntarily some territory in Montgomery District so as to facilitate a transfer of population and property.

3. Y.E. should talk to Pandit Nehru or Sardar Patel and persuade them that it is essential to get the Congress and the Sikhs to drop their claim to stay in Lahore and to hold up all the partition proceedings until the Boundary Commission reports, even if the report comes in after the 15th August. Every attempt would be made to get an early award but meanwhile the

[3] See No. 56, and its Enclosure.

[4] In telegram No. 1971-S of 15 July, Sir G. Abell informed Sir E. Jenkins that Lord Mountbatten agreed that there was no need to attempt at present to form a Ministry. Mountbatten Papers, Official Correspondence Files: Punjab, Situation in, Part II(b).

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partition work must go on and it is part of the plan which was accepted by the Congress that until the award is made the notional boundaries would be observed.

Enclosure to No. 81

GOVERNOR'S APPRECIATION

11 July 1947

(1) The communal feeling is now unbelievably bad. In the Ambala Division, outside Gurgaon, the Muslims seem resigned to their fate, and the same is probably true of the non-Muslims in the Rawalpindi Division and in Dera Ghazi Khan, Muzaffargarh, Multan and Jhang. In the Lyallpur and Montgomery districts and the Lahore and Jullundur Divisions tension is extremely high.

(2) The Sikhs are the most uneasy of the three communities. They believe that they will be expropriated and possibly massacred in the Western Punjab and smothered by the Congress and the Hindus generally in the Eastern Punjab. They threaten a violent rising immediately after the transfer of power unless by then there has been a satisfactory award by the Boundary Commission.

(3) The higher Services have virtually disintegrated. They were given the final blow by the partition policy, which turned professional civil servants into subordinate politicians. In the I.C.S. not one non-Muslim Indian is prepared to serve in West Punjab, and only one Muslim is prepared to serve in East Punjab. Hatred and suspicion are entirely undisguised.

(4) Partition goes very slowly indeed. Meetings of the Partition Committee resemble a Peace Conference with a new war in sight. In the time available it will be quite impossible to make a clean job of partition, and even if we can check disorder up to 15th August, and the new Governments can maintain themselves thereafter, there will be appalling confusion. In civil administration certain things cannot be done properly in a matter of days or weeks, and "standstill" orders (most of which will be accepted very grudgingly by the Parties) do not really solve the administrative problem.

(5) From mid-July onwards many new officers will be posted to key appointments, and the new Governments will face the critical time in August with Secretariat and District teams even weaker than those which we have had during the past year or two. There will be much wrangling about postings since the non-Muslims are unwilling to commit themselves until the Boundary Commission reports.

(6) The Chairman of the Boundary Commission does not arrive until 14th July. His colleagues have given the Punjab Government an enormous question-

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naire, the replies to which cannot at the earliest be ready before about 20th July. Thereafter, if all the information collected is to be studied and transferred to special maps and if the parties are to be heard at any length (they have engaged very eminent counsel), it is difficult to see how the Commission can report by 15th August.

(7) If the Commission does report by 15th August, there will in all probability be a row because the Muslims or the Sikhs are not satisfied with the report. If the Commission does not report by 15th August, there will be a row because the Sikhs do not like the "notional" boundary.

(8) The prospect is in short far from encouraging, but we can only go ahead and see what happens.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Jinnah

Mountbatten Papers. Viceroy's Interview No. 162

12 July 1947, 6–7.50 pm

I discussed the Reconstitution of the Interim Government with him and gave him a copy of the draft communiqué.[1] He did not appear particularly grateful and said in his usual manner "I will consider this with my people". I pointed out the only alternative was the scheme I had previously described to him, of giving all portfolios to Congress and giving only a Shadow Cabinet to the Muslim League. He told me that he had considered this with his Members of the Executive Council and they had decided that they would in no circumstances co-operate with or even accept such a scheme. I pointed out to him how lucky he was that I had been able to find an alternative, as it was no longer in his power to prevent me putting through any scheme I liked under Clause 9 of the Bill. I informed him of my interview with the Hyderabad Delegation,[2] and told him of the lines I was working on. He informed me that if Congress attempted to exert any pressure on Hyderabad, every Muslim throughout the whole of India, yes, all the hundred million Muslims, would rise as one man to defend the oldest Muslim dynasty in India.

I pointed out that the Nizam need not fear any armed intervention since if he would not play at all with Congress, all they had to do was not to play with him, which could only end in the quiet disruption of the dynasty from

[1] See Enclosure to No. 63 and its note 8.
[2] No. 61.

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within, without any opportunity being given to the hundred million Muslims to rise.

I discussed the policy to be adopted towards the States by the two Dominion Governments, and asked his concurrence to call a meeting with the Khan of Kalat on the 19th July, to put before him the proposition that he should adhere to Pakistan on the basis of the three central subjects—Defence, External Affairs and Communications.

He thanked me, said he would like to think this proposition over, and he would be glad to meet the Khan of Kalat after my meeting. I told him I intended to discuss the line Pakistan wished me to take up with the States with Sardar Nishtar in the coming week.

Mr. Jinnah then informed me that he was considering making Nishtar Governor of Baluchistan. I suggested that he should not take any such step until he had discussed the matter with Sir Conrad Corfield, on the basis of obtaining his advice as to whether a Pathan from the North-West Frontier like Nishtar, would be acceptable to the tribes of Baluchistan, and alternatively discussed which of the British political officers would be the most suitable to put there. I gave him a copy of the Secretary of State's telegram No. 8962, announcing the acceptance by Sir George Cunningham of the governorship of the N.W.F.P., subject to certain conditions.[3] I asked him to let me know as soon as possible that he accepted the conditions.

I informed him that the Foreign Office had now authorised negotiations to begin with Lord Killearn, and that I had that day telegraphed[4] him to Singapore to come and stay with me at Delhi to discuss the governorship of East Bengal and Sylhet with Mr. Jinnah.

I then handed Mr. Jinnah the original letter,[5] D.O.201 of the 11th July, from Vice-Admiral Miles, concerning candidates for the future Flag Officer, Royal Pakistan Navy. I invited Mr. Jinnah to send for Admiral Miles and discuss this letter with him, and if necessary, subsequently to arrange for the two officers concerned to come and see him. I asked him whether he had made up his mind about the Pakistan Dominion flag, and he told me that it was his great personal regret that he had been unable to find one single supporter for the idea of having a Union Jack in the upper canton of the Muslim League flag. He explained that it would be repugnant to the religious feelings of the Muslims to have a flag with a Christian cross alongside the crescent. I told him that so far as the Navy was concerned, I considered that they would have to fly the British Commonwealth white ensign at the ensign staff, but that they could fly their Pakistan flag (whether it had a Jack in it or not) at the Jack staff. I told him that this was the custom throughout the navies of the Commonwealth, and I hoped he would agree so that I could give Admiral Miles the necessary instructions. He replied "Certainly". He then raised with me the question of his G.C.M.G.,[6] and said that he had been surprised to find the

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strength of the opposition among his party to accepting this honour. He pointed out that the Muslim League had only recently passed a resolution[7] rejecting all British honours and that his followers considered that he would put himself in an impossible position if he now accepted a British honour.

He wished me to know how much he personally regretted this, and how much he hoped that the time would come in the not too distant future when he would be able to bring about a change of heart among his followers, and when not only he, but he hoped others in Pakistan who might have rendered distinguished service, would be prepared to accept British honours and decorations. I told him I would raise this with him again at a later date, wherever I might be. He then went on to say that although there might be these apparent rebuffs of the British, such as the Governor-General, the G.C.M.G., the flag, etc., they would find that Pakistan intended to be a loyal and permanent member of the Commonwealth whose friendly relations with the rest of the British Dominions would improve year by year, until all feeling of bitterness had passed and they could regard themselves as truly a member of the British family.

I asked him whether he would agree to fly the generally accepted flag of a Governor-General, namely a dark blue flag with the letters "Pakistan" in yellow and a yellow crown above, both for Government House and his car, and hoist in a warship if he went afloat, He said he would be honoured to do this and I undertook to supply him with his first flag.

(NOTE:— The question of what flag the Governors in Pakistan are to fly, was not discussed but will require urgent consideration.)

I talked to him from the brief[8] prepared by P.S.V. consequent on his visit to the Governor of the Punjab, and urged Mr. Jinnah to try for a settlement of the boundary difficulties out of court, with the Sikhs. He was not very hopeful, but said he was fully prepared to stick to his original promise to me to meet Giani Kartar Singh, and I undertook to get in touch with the latter and arrange for his meeting with Mr. Jinnah.

Finally, I discussed the position in the N.W.F.P.[9] Mr. Jinnah was jubilant. He pointed out that whereas in the last election only 62% of the electorate went to the poll, and that Dr. Khan Sahib had said to newspaper correspondents that anything over 31% would be regarded as a Muslim League victory, he now believed that they might get as much as 75%. I asked him what he suggested I should do on the 21st July, when the result of the referendum was announced. Mr. Jinnah said he had not yet given the matter any thought, but favoured a dismissal of the Ministry and Section 93. I told him I was dead against Section 93,

[3] See No. 31, para. 5 and its notes 6 and 7.
[4] Lord Killearn eventually declined the governorship of East Bengal; see Vol. XI, No. 478, note 3.
[5] Not traced. [6] See Vol. XI, No. 533, para. 3.
[7] See Vol. VIII, No. 86, Resolution No. 2. [8] No. 81. [9] cf. No. 45.

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which would merely get the British in [the] wrong during the last four weeks of power. Mr. Jinnah asked me if I would be prepared to put a Muslim League Ministry in power, and on my saying "Yes", he commented "But how can we stay in power if we have not got a majority in the Legislative Assembly?"

I pointed out that the Legislative Assembly had not been called and was not due to be called in the near future and that after 15th August the matter could be referred to the Pakistan Constituent Assembly which would then be the legislature for the Dominion.

Finally, I said I was not prepared to dismiss Dr. Khan Sahib's Ministry if they refused to resign, or to form a Muslim League Ministry except on the advice of my Cabinet or Executive Council for Pakistan. I pointed out how fortunate it was for Mr. Jinnah that I intended to form such a body on the 18th July, since otherwise he might well find Dr. Khan Sahib's Ministry remaining in power until the 15th August.

Finally, I discussed with him the question of the King's signature. I told him that I had felt that he had acted rather ungraciously at the Partition Council[10] in opposing the suggestion which I had put up and which had already been privately agreed to by the Congress Leaders. Namely, that the King should continue to sign "George R.I." after he had dropped the title "Emperor of India". Mr. Jinnah said that he was the last person to wish to dictate to His Majesty how he should sign his name and if the King elected to continue to sign his name "George R.I." no-one in Pakistan would object. If, however, it was a question of asking Pakistan to agree to invite the King to continue with a legally incorrect signature, that was another matter and one on which he hoped I would not press him. We therefore mutally agreed that I would recall the Minutes of the Partition Council dealing with this matter and that I would inform the Congress Leaders what had occurred and suggest that they also take no further action and leave it to His Majesty to continue to sign in any way he pleased.

[10] See No. 52, Case No. P.C. 28/4/47.

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Sir F. Bourne (Central Provinces and Berar) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Official Correspondence Files: Central Provinces and Berar, Situation in

D.O. NO. N.16/G.C.P. GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR, *12 July 1947*

Dear Lord Mountbatten,

There is not much happening on the surface, as the Chief Secretary's report[1] shows. The casualties as a result of the quarrels mentioned in paragraph 2 of his report were all Muslims, and though these quarrels were personal and not communal in origin, the fact that there were no repercussions in a place like Jubbulpore supports my view that any apprehensions of Muslims resorting to direct action in this Province are entirely baseless. The danger, if any, is the other way round, and I have recently seen reports of most offensive speeches made by Hindu Socialist and Mahasabha speakers. The Ministry, however, are perfectly confident of their power to restrain Hindu violence but regard every Muslim as a Pakistani. This has led them to transfer all senior Muslim officers in the Civil Service and Police from Berar (and even European officers except the Commissioner), and they are now trying to transfer nearly all, if not all, Muslim Inspectors and a large number of Muslim Sub-Inspectors of Police. This manifestation of their distrust of Muslim officers is, I think, most unfortunate and, actually, entirely unjustified by past history. It is true that the Muslim element in the Police is very much higher than strict attention to communal statistics in the Province warrants, but the Police force as a whole has worked with the greatest loyalty to the present Government and I do not remember to have heard of a single case where a Police officer can be shown to have been diverted from his duty by communal considerations. There is, however, a lot of talk particularly in Mahasabha circles of the need for reduction in the Muslim element of all Services and as a result, I suppose, of pressure of this nature the Premier has expressed the intention of dispensing with the services of all Muslims recruited to the Special Armed Force or the District Police on a temporary basis who are not residents of this Province.

* * *

[1] L/P&J/5/196: ff 18–19.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I (b)

CONFIDENTIAL CALCUTTA, *12 July 1947, 6.30 pm*
Received: 13 July, 8.30 am

No. 202-C. It has for some time been apparent that the Calcutta Disturbances Enquiry Commission,[1] set up by Govt. of Bengal with assistance of your predecessor and presided over by Chief Justice of India, would never complete its work. Political parties at last took a realistic view and acquiesced in a proposal to adjourn *sine die* when reassembled on July 8th. Chief Justice of India then advised me to dissolve the Commission. To this both sides of my Cabinet have agreed. Chief Justice has asked for a short time to clear up loose ends and my intention is to dissolve the Commission as from August 1st, date suggested by him in consultation with Bengal Govt. Dept. concerned. This will release Chief Justice almost immediately for his other responsibilities.

[1] Vol. VIII, No. 223, note 2.

85

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/138: f 131

IMPORTANT NEW DELHI, *12 July 1947, 7.30 pm*
CONFIDENTIAL *Received: 12 July, 8.30 pm*

No. 1920-P. Your telegram[1] No. 8807 of 9th July. General Conference between States Department and representatives of States does not take place till 25th July. First item on agenda[2] for conference is Accession of States to appropriate Dominion in respect of Defence, External Affairs and Communications on basis of Part II Govt. of India Act 1935 as adapted.

2. If conference is successful problems relating to international position of States after 15th August will be automatically resolved. Any attempt made in Parliament to define position of States not acceding to Dominion in respect of External Affairs would I suggest be premature and might indeed prejudice successful outcome of discussions here.

3. I have already had preliminary discussions[3] with Hyderabad Delegation and prepared the ground for adherence on Defence and External Affairs.

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4. States Dept. consider that it will greatly facilitate success of negotiations if H.M.G. would make it clear that in the interests of States as well as of India as a whole the States should come to arrangements with appropriate Dominion. States Dept. suggest it should be made clear that States' External Relations will have to be conducted through one or other of the Dominions and no encouragement should be given to any State to believe that if it stands out alone it will receive recognition as a Dominion by H.M.G.

[1] Lord Listowel evidently assumed that the conference would take place before the 25 July. In this telegram he informed Lord Mountbatten that the question of the international position of the States was likely to arise in the Lords during the following week and thus asked to be kept informed about the 'results' of the conference. L/P &J/10/102: f 27.

[2] See No. 75. [3] See No. 61.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

L/P&J/10/127: f 104

IMPORTANT NEW DELHI, *12 July 1947, 10.45 pm*
Received: 12 July, 9.10 pm

No. 1926–S. I must warn you that Jinnah has told draftsmen who are preparing adaptation orders that he would prefer adaptation order for Pakistan to be based on the Ninth Schedule rather than on Part II of 1935 Act.

2. The effect of this will be apparent to you. Adaptation based on the Ninth Schedule would give Governor-General the following powers among others.

(1) To appoint members of Government

(2) to settle number of members

(3) to appoint a vice-president

(4) to overrule majority opinion of Government

(5) to frame rules of business.

3. The adaptation order would also have to be based on assumption that Governor-General would ordinarily preside at Cabinet meetings.

4. Thus Governor-General would effectively be his own Prime Minister, but with special powers. This would give Jinnah position of a dictator.

5. Two alternative adaptation orders have been prepared, one on basis of Ninth Schedule (but omitting power to overrule a majority decision), and the other based on Part 2 of the Act.

6. I should be grateful for advice what I should do in the event of Jinnah

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insisting that the adaptation order should be based on the Ninth Schedule, whether with or without the overruling power.

7. I am very doubtful about approving an Order in Council of this kind before August 15th, but there must be some adaptation order, and it would be embarrassing to adopt the alternative against the advice of Moslem League who will certainly support Jinnah.

8. I take it this matter might cause embarrassment in Parliament, and that you will want to consult Cabinet, but I should be grateful for a very early reply as time is short.

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Extract from India News

L/P&S/13/1845B: f 618

GOVT OF INDIA, NEW DELHI, *13 July 1947*

MR JINNAH ON KASHMIR SITUATION

Mr. Jinnah in a statement on the Kashmir situation says that the question engaging the Kashmir Muslims' attention is whether Kashmir is going to join the Constituent Assembly of Hindustan or Pakistan. Stating that he has made it clear more than once that the Indian States are free to join either Assembly or remain Independent, Mr. Jinnah says "I have no doubt that the Maharaja and the Kashmir Government will give their closest attention and consideration to this matter and realise the interests not only of the Ruler but also of his people".

Those States who wish to join the Pakistan Constituent Assembly, Mr. Jinnah adds, "will find us ready and willing to negotiate with them an agreement of mutual advantage to both".

Referring to the detention[1] of Muslim Conference Leaders in Kashmir Mr. Jinnah says that there is no justification for their continued detention. "I hope", he goes on, "the Maharaja and the Prime Minister of Kashmir will realise the fast changing circumstances. Wisdom demands that feelings and sentiments of the Muslims who form 80 per cent of the population should not be ignored, much less hurt".

[1] See Vol. VII, No. 364.

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Record of Interview between Pandit Nehru and Sir A. Smith with reference to the letter dated 11 July[1] written by Pandit Nehru to the Viceroy

R/3/1/83: ff 90–91

SECRET *13 July 1947*

1. Pandit Nehru did not seem to understand the sequence of events regarding the progress of nationalisation. He had forgotten that the Indian Cabinet, some weeks ago, agreed that rapid nationalisation to effect completion by June 48, should be stopped, and that we should revert to the normal rate of nationalisation.[2] I explained to him that it was quite impossible both to reconstitute the Armed Forces and to proceed with rapid nationalisation at the same time.

Pandit Nehru insisted that Indian officers should be promoted to the highest ranks. I explained to him the need for centralised control regarding promotion and moves, and that this was a matter which he should discuss with the Commander-in-Chief designate of (the Union of) India, and that it would be necessary to balance up the national demands to have Indian Generals, with the practical necessity of having senior British officers in the most responsible posts during the early stages of reconstitution.

2. Out of this discussion emerged the fact that Pandit Nehru did not appear fully to have grasped that operational control of the Army in (the Union of) India would be the responsibility of the Dominion Government and not of the Supreme Commander after August 15th. He referred to possible trouble in Calcutta, and I explained to him the system of command that would obtain there after the 15th August.

Following this, I outlined to him the practical difficulty that might arise should disorder break out after 15 August on the frontier between Hindustan and Pakistan, and told him that a proposal[3] had been submitted to the Viceroy whereby the Joint Defence Council, on behalf of the two Dominion Governments, should ask the Supreme Commander to appoint a senior British officer and adequate staff to take control of any "disturbed area." In such event operational control would have to be exercised by the Supreme Commander on behalf of the Joint Defence Council. Pandit Nehru seemed to think that such an arrangement would be temporarily necessary.

3. We discussed the retention of British officers and technical specialists, and I emphasised that, from reports received, it seemed unlikely that British personnel would be willing to volunteer. I explained the reasons for this, and Pandit Nehru expressed the view that attacks on British Officers in the Press

[1] No. 69. [2] Vol. XI, No. 354, Item iv. [3] See No. 102.

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had lessened considerably of late. I told him it was not just a question of public attacks in the Press, but of other pin pricks which British officers suffered, (I had in mind the recent accusation by HMD[4] of certain senior officers at GHQ in connection with the issue of arms to States Forces and Police,[5] but I did not mention that HMD's attitude was a case in point). I told Pandit Nehru that, undoubtedly British officers would take a statement from Indian leaders themselves of their indebtedness to the British officers and their hope that they will continue to assist during the early period of reconstitution.

4. I referred to Pandit Nehru's statement that he would have "liked the Armed Forces Reorganisation Committee also to have senior Indian officers associated with it".[6]

I explained that, while the main AFR Committee had no Indian Officers on it, there was a representative of both (the Union of) India and Pakistan: that this had been agreed by the Partition Council, and if they had wanted Indian Officers on this Committee, they should have said so earlier. I added, however, that the detailed work concerning reconstitution lay with the Sub Committees, and explained that, in the case of the Army Sub Committee, there were six Indian officers as against four British. I also emphasised that, whereas the main work of the present GHQ was to "break down" the Army, the main responsibility for "building up" the new armies would rest with the Commanders-in-Chief of the two Dominions. It was, therefore, sound gradually to make the diminishing GHQ consist mostly of British Officers so that more Indian officers would be available for administrative and command posts in the armies of (the Union of) India and Pakistan.

5. With reference to Pandit Nehru's statement[7] that a number of Senior officers and others employed in the Defence Department have opted for service in Pakistan, I pointed out this was not true as regards officers of the Armed Forces as no replies had yet been received from Indian officers stating whether they wished to serve (the Union of) India or Pakistan.

6. The interview started rather stickily, but as confidence was gained our conversation became extremely easy. The interview lasted over an hour and ended in the most friendly way, and, I hope, helped to reassure Pandit Nehru that every action being taken in regard to reconstitution was being done on sound lines and with complete integrity of purpose.

ARTHUR SMITH

[4] Sardar Baldev Singh. [5] cf. Appendix 'A' to No. 66. [6] No. 69, para. 5.
[7] *Ibid.*, para. 6.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma[1]

Mountbatten Papers. Official Correspondence Files: Punjab, Part II (b)

NO. 695 GOVERNMENT HOUSE, LAHORE, *13 July 1947*

Dear Lord Mountbatten,

As Chairman of the Punjab Partition Committee I submit for Your Excellency's consideration memoranda[2] prepared by the representatives of West Punjab and East Punjab upon certain matters in respect of which they are unable to agree. I have endeavoured to set out the issues requiring decision in a covering note of my own.[3]

2. The Punjab Partition Committee considered at an early meeting the distribution between the two new Provinces of members of the various Civil Services. For the fifth meeting on 7th July Mr Zahid Husain, a representative of West Punjab, circulated a note in which he suggested that, once officials had been allotted, their posting within West Punjab or East Punjab should be a matter not for the Committee, but for the representatives of West Punjab or East Punjab, as the case might be, in consultation with the Governor. This suggestion was accepted, but Sardar Swaran Singh, a representative of East Punjab, observed that since the "notional" boundary was not final, special arrangements would have to be made for the administration of districts likely to be affected by the Boundary Commission's award; and that it would be necessary for both Governments and their offices to remain in Lahore until the award was made.

These observations were discussed further at meetings on 9th and 10th July. The following are extracts from the proceedings:—

"Before the Agenda was taken up, Mian Mumtaz Muhammad Daultana raised the questions referred to in item 6(*a*) and (*b*) of the record of decisions of the 5th meeting of the Punjab Partition Committee held on the 7th of July. As no agreement could be arrived at, it was decided that the matter should be referred to the Party Representatives/Partition Council at the Centre. The points at issue were as follows—

On the assumption that the Boundary Commission's award is not available by the 15th of August, and the present Independence Bill before the Parliament is enacted into law,

(i) Should the Government of Eastern Punjab be permitted to remain in Lahore and to administer Eastern Punjab from Lahore as headquarters or should it move to a place in Eastern Punjab?

[1] This letter was circulated as V.C.P. 129 of 14 July.

[2] Not printed. [3] See Appendix 'A'; cf. also No. 81.

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(ii) What arrangements will be made for the administration of disputed areas and institutions situated therein? It was stated by the two Parties that the districts affected would be Ferozepore, Hoshiarpur, Jullundur, Ludhiana, Gurdaspur, Lahore, Sheikhupura, Gujranwala, Amritsar, Montgomery, Lyallpur and Multan. It was agreed that both the Parties will state their cases separately".

"A draft covering note for Central Partition Council arising out of the discussion held on 9th July 1947, which had been prepared by H.E. the Governor and circulated to the members the previous evening, was considered. In the list of districts likely to be affected by the orders passed on the Report of the Boundary Commission, it was decided that Hissar, Sialkot and Ludhiana should be added. Both sides will state their cases, which will be forwarded with a covering note from H.E. the Governor to the Governor-General for the decision of the Party Leaders at the Centre. As the boundary between the two parts of the Punjab was to be the boundary between the two Dominions, it was felt that the matter was within the competence of the Central Partition Council."

Since no agreement was reached, it was decided that a reference should be made to Your Excellency for decision by the Partition Council or the Party Leaders. The representatives of West Punjab and East Punjab have made it clear that they are prepared to abide by such a decision.

3. The issues as stated in my covering note are based on the assumption that the award of the Boundary Commission is not available by 15th August.

There are two other possible assumptions:—

(i) that the award is available by 15th August, but within so short a time before that date that it is not possible to make the adjustments required by the award by 15th August; and

(ii) that the award is available before 15th August and in time for the adjustments to be made.

The time required for the adjustments would, of course, depend on the extent to which the Boundary settled by the award differs from the "notional" boundary.

The Punjab Partition Committee would, I am sure, be grateful for guidance in respect of all these assumptions.

Yours sincerely,

E. JENKINS

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Appendix 'A' to No. 89

Covering Note[4] by Sir E. Jenkins

13 July 1947

The Punjab Partition Committee note that while the India Independence Bill as introduced in Parliament provides that the Boundary between East and West Punjab shall be the boundary as determined on the report of the Boundary Commission, the Bill also provides that if the boundary has not been so determined by 15th August, the two new Provinces shall be established on the basis of what is commonly described as the "notional" boundary.

The representatives of West Punjab accept this position. They would like a special Committee representing the major Indian parties and His Majesty's Government to be appointed to carry out any adjustments necessitated by the Boundary Commission's award; otherwise they see no difficulty.

The representatives of East Punjab think the position most unsatisfactory. They contend that the award of the Boundary Commission must be available by 7th August; and that if this is impossible the date of the transfer of power must be postponed. If neither of these expedients is possible they urge that both Governments be permitted to remain in Lahore until the award has been given and implemented, and that "suitable arrangements" be made for the same period for the administration of the districts likely to be affected by the award.

The following issues arise on which the representatives of West Punjab and the representatives of East Punjab have been unable to agree:—

(1) On the assumption that Partition proceedings are to continue on the basis of the "notional" boundary, should both Governments be located in Lahore until orders have been passed on the Boundary Commission's Report, or should the Government of East Punjab be established elsewhere?

The representatives of West Punjab feel that it would be embarrassing for both Governments to work in Lahore. They consider that the Government of East Punjab should (unless Lahore is allotted to East Punjab by the Boundary Commission before 15th August) move to one of the East Punjab districts. They have no objection to offices subordinate to the Government of East Punjab remaining temporarily in Lahore as a matter of administrative convenience; but they do not think that Ministers, Secretaries to Government, and the Heads of important Departments should remain in Lahore.

The representatives of East Punjab consider that if the Government of East Punjab leaves Lahore, there will be great inconvenience, should Lahore later be allotted to East Punjab by the Boundary Commission. They believe that it will be for the convenience of both Governments for the Government of East

[4] This note was considered at a meeting of the Partition Council on 17 July; see No. 148, Case No. P.C. 56/6/47.

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Punjab to remain in Lahore until orders have been passed on the Report of the Boundary Commission.

(2) On the same assumption as in (1), what arrangements should be made for the administration of districts likely to be affected by the orders passed on the Report of the Boundary Commission? (These districts are in the Ambala Division—Hissar; in the Jullundur Division—Hoshiarpur, Jullundur, Ludhiana and Ferozepore; in the Lahore Division—Gurdaspur, Amritsar, Lahore, Sheikhupura, Sialkot and Gujranwala; and in the Multan Division—Multan, Montgomery and Lyallpur).

The representatives of West Punjab take the view that no special arrangements be made in these districts, which should be staffed and administered by the Governments responsible for them on the basis of the "notional" boundary.

The representatives of East Punjab consider that in these districts staffs should be appointed by the two Governments in consultation, so that friction and disturbance may be avoided until orders have been passed on the report of the Boundary Commission.

2. Detailed statements of the views of the representatives of West Punjab and East Punjab are appended.[5]

3. The representatives of West Punjab and East Punjab are prepared to accept the decision of the Party Leaders as such or as members of the Central Partition Council.

[5] Not printed.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma[1]

Mountbatten Papers. Official Correspondence Files: Punjab, Part II (b)

NO. 696 GOVERNMENT HOUSE, LAHORE, *13 July 1947*

SECRET

Dear Lord Mountbatten,

I have just referred[2] to Your Excellency a dispute in my Partition Committee between the representatives of West Punjab and East Punjab. The party memoranda are not very well done, and my own contribution as Chairman is necessarily colourless. As Governor, I can be rather more informative.

2. The position is as follows:—

(i) Partition involves, among many other things, large movements of personnel, (*a*) to replace officers who are not serving on, (*b*) to fill new

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appointments (in the new Secretariat and new Departments), and (*c*) to satisfy the hysterical urge of Muslims to serve in the West and of Hindus and Sikhs to serve in the East.

(ii) Movements under (*a*) and (*b*) are essential, and must be completed before 15th August. Movements under (*c*) can be spread over a longer period of time, and I hope that the parties will agree to a "stand-still" arrangement so that, whatever the boundary may be, service adjustments may be made in an orderly way. Agreement ought to have been reached several days ago, but the Easterners dug their toes in and up to yesterday no final decision had been reached.

(iii) All partition planning has to be done on some assumption about the boundary. So far we have worked on the "notional" boundary, and I do not see what else we could have done. The idea for staff is that once officers have been allotted, the representatives of West or East should post them as they please, the formal orders being issued by the Chief Secretary under my instructions.

(iv) The Muslims seem quite happy about the "notional" boundary, probably because it gives them Lahore and the Colony Districts, and they do not seem to regard the Boundary Commission's award as vital.

(v) The Hindus and Sikhs—particularly the latter—are most unhappy. They believe that they are entitled to Lahore and large accretions of territory in addition. They think it most improbable that the Boundary Commission will report before 15th August. As planning proceeds, they see the Muslims securing control, through district staffs of their own choosing, of all the "disputed" districts on their side of the "notional" boundary. (Incidentally the total number of districts now "disputed" by one side or the other is 14 out of 29). Once this has happened they do not think that any award of the Boundary Commission modifying the "notional" boundary in their favour will ever be enforced. They would therefore like to keep the East Punjab Government in Lahore until the award has been announced and enforced, and to employ joint staffs (or something of the kind) in the disputed districts. (A Hindu Judge of the High Court who for safety reasons wants the East Punjab High Court to move out of Lahore on 15th August, told me on 12th July that in his opinion if the Muslims once got Lahore into into their hands they would destroy it sooner than give it up. I report this as it illustrates the attitude of highly educated non-Muslims).

(vi) The question put formally to Your Excellency for decision by the Partition Council or the Party Leaders are, (*a*) whether if the "notional" boundary prevails on 15th August the East Punjab Government should leave

[1] This letter was circulated as V.C.P. 130 of 14 July.
[2] No. 89

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Lahore; and (*b*) whether, on the same assumption as in (*a*) there should be any special arrangements for the "disputed" districts.

3. There appear to be three possible situations:—

First. The Boundary Commission does not report by 15th August. This is the situation feared by the Hindus and Sikhs.

Second. The Boundary Commission reports by 15th August, but not in time to enable adjustments to be made in our planning. In this situation we must legally give effect to the award by 15th August—the India Independence Bill gives us no alternative. But there might be great confusion especially if the new boundary cuts across existing administrative units. There would be hurried movements of staff, and some people might hardly know by 15th August in which Province and Dominion they were living or serving. Disturbances, if they occurred, would add to the confusion

Third. The Boundary Commission reports in time for adjustments to be made. There would almost certainly be disturbances, probably before 15th August; but theoretically we should be able to put the two new Governments in a position to carry on.

None of the three situations is pleasant. Personally I think the *First* or *Second* the most probable. I very much doubt if the Boundary Commission can report by 15th August without outraging the feelings of the parties—the members are party nominees and will be expected to see that all the material submitted is thoroughly examined. Even if it proves possible to cut through the mass of statistics and arguments with which the Commission will be confronted, it seems highly improbable that the new boundary will be known in time for adjustments to be made by 15th August. The *Third* situation is theoretically the best, but it may easily merge into the *Second*, unless the changes in the "notional" boundary are trifling.

4. Our main object must be to give the new Dominion and Provincial Governments the best possible start. I do not think they will get a good start on the basis of the "notional" boundary unless the Hindus and Sikhs are really convinced that the Boundary Commission's award will be enforced; nor on the basis of an award unless there is time to make the adjustments in staff etc. required by it, and even to demarcate the boundary if it cuts across Tahsils, Police Station areas and so on. I believe the safest plan will be:—

(*a*) to make it quite clear that the Boundary Commission will not be rushed, and is not expected to report until after the 15th August.

(*b*) to locate the East Punjab Government out of Lahore (Simla is in my opinion the obvious place for the time being. I would like to move both Governments out of Lahore, but there is no suitable accommodation for West Punjab elsewhere).

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(*c*) to make it quite clear that the two Dominion Governments are pledged to accept and enforce the Boundary Commission's award, and to that end will appoint a "Boundary Administration" responsible to the Premiers of both Dominions to see that the final boundary is (if necessary) demarcated, and that the award is enforced. This organisation (if the Party Leaders agreed to it) might be in position early in August. It would probably have to consist of Army Officers; its head would be a very senior officer; there would be senior liaison officers with the two Provincial Governments; and junior liaison officers in the "disputed" districts, the list of which should be reduced to reasonable dimensions. Pending the award, the organisation would keep a very close watch on law and order matters, and report, up to 15th August to Your Excellency for the information of the Partition Council or the Party Leaders, and thereafter to the two Premiers, any occurrences likely to cause concern to the minorities on both sides of the notional line, and any preparations to resist the award. On the award being announced the head of the organisation would be responsible for its enforcement with the co-operation of the Provincial Governments, and of the troops at the disposal of the Dominions.

All this is, I fear, rather woolly; but I believe that if the representatives of the future Dominion Governments could make it clear now that there is no question of a chaotic change-over and that they mean business; and could put up a fairly imposing organisation with appropriate publicity, they would do much to steady the Punjab. After all, it is the Dominion boundary that is in question, and not a Provincial boundary only.

Yours sincerely,
E. M. JENKINS

91

Mr Jayakar to Mr Attlee

Attlee Papers

GROSVENOR HOUSE, PARK LANE, LONDON, *13 July 1947*

Dear Mr Attlee,

I wonder if you remember me. We worked together in the days of the Indian Round Table Conference, 1930–33, and I had then frequent occasions to discuss Indian questions with you. You have since risen to a very high position, which some of us expected even then. May I congratulate you on the great part which you have played in setting India on its feet. You have enabled Macaulay's hope to be fulfilled and you will go down to posterity like Campbell Bannerman, who gave freedom to South Africa.

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I entirely join in your hope that India will remain in the British Commonwealth, and so far as my solitary voice may prevail with my countrymen I will endeavour to give them right advice. I am one of those who have always realised what the Prime Minister of New Zealand has so rightly said that Dominion status is independence with something added.[1]

I am here at present on the invitation of the Lord Chancellor to assist in the disposal of Indian appeals pending before the Judicial Committee of the Privy Council.

I wish you a long and useful life for the benefit of your country as also mine.

Yours sincerely,

M. R. JAYAKAR

[1] See Vol. XI, No. 63.

92

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

R/3/1/158: f 82

CONFIDENTIAL NEW DELHI, *13 July 1947, 1.00 pm*
Received: 13 July, 12.10 pm

No. 1932-S. Following telegram from Governor of Assam No 160 MSG dated July 12th is repeated for information. *Begins:* Sylhet referendum result. Valid voters for joining East Bengal 239,619. For remaining in Assam 184,041. Majority 55,578. Percentage of valid votes to total electorate entitled to vote 77.33. Request your announcing result on July 14th morning. Bardoloi, Prime Minister, who is now in Delhi, may himself be informed in advance of your announcement. *Ends.*

93

Resident for the Madras States to the Secretary to the Crown Representative

Telegram, R/3/1/144: f 42

CONFIDENTIAL TRIVANDRUM, *13 July 1947, 3.30 pm*
Received: 14 July, 12.30 pm

No. 58-P. Standstill agreements. If you see no objection please communicate the following message to States Department with reference to their telegram I.S. of 11th July.[1] *Begins.*

Travancore Government regard problems of Travancore as special and in-

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dividual. They do not therefore intend to join preliminary meetings or to participate in selection of Representative Committee to conduct negotiations. They say there can be no question of any accession (repeat accession) to [? of] Travancore State to either Dominion and that they do not therefore intend to participate in the formation of any Advisory Council for States Department. In these circumstances they feel there is no point in Travancore representative attending the meeting on July 25th and following days. Travancore Government are however ready and anxious to initiate and conduct separate individual negotiations with appropriate authorities or accredited representatives of Dominions on all other matters namely standstill agreements, arbitral procedure for extradition and channels of correspondence and on all other points arising out of the future set up and they point out that in many important matters they have already announced their willingness to accept continuance of present arrangements. (See my Express letter No. P.2452/47 of June 24th).[2] As to representation of Dominion Governments in Travancore State, Travancore Govt. say that this is a matter for personal negotiation. *Ends.*

Full text of Dewan's letter[3] by air mail.[4]

[1,2] and [3] Not on the file.

[4] In tel 513-GT of 14 July Lord Mountbatten asked the Maharaja of Travancore if he would allow his Dewan to come to Delhi for talks before 25 July. The Maharaja replied by telegram on 15 July that Sir C.P. Ramaswami Aiyar would come to Delhi. R/3/1/144: ff 38 and 44.

94

Pandit Nehru to Sir A. Hydari (Assam)

Telegram, Mountbatten Papers. Official Correspondence Files: Assam, Situation in

SECRET *13 July 1947*

PERSONAL

No. 5483. I have been receiving numerous complaints about Referendum in Sylhet.[1] Reports supported by many statements and other data indicate that in many interior areas state of lawlessness prevailed and thousands of Muslim National Guards from outside the district prevented voters from voting. Large numbers of persons who had died in recent epidemics supposed to have voted. No sufficient protection given at most polling booths in the interior where intimidation rampant. These and other serious allegations apparently supported by some Ministers of Assam Government.

If any truth in these complaints validity of Referendum might be success-

[1] cf. No. 68, paras. 5–7.

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fully challenged by Bardoloi here. Matter is being referred to Viceroy. Would be grateful if you could send immediately your appreciation of situation during Referendum and after, and what steps taken to give security to voters, how far these were successful and what truth there is in complaints of intimidation and forcible prevention of voters from exercising their rights; whether large numbers of armed Muslim National Guards came from Bengal? Reports indicate that conditions in Sylhet District still very insecure and general intimidation continues. Trust that steps are being taken to meet this situation and afford security.

95

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/158: ff 35–6

SECRET 17 YORK ROAD, NEW DELHI, *13 July 1947*

Dear Lord Mountbatten,

Thank you for your letter of today's date[1] sending me the voting figures[2] in the Sylhet referendum.

2. During the last few days I have received a number of telegrams from Sylhet complaining against a number of malpractices during the referendum. Possibly some of these telegrams were received by you also. Today I had a visit from a deputation from Sylhet consisting of Hindus and Moslems. They placed before me a number of allegations supported by various statements and data which together were formidable. I do not propose to send you now a detailed list of these complaints and the facts which are meant to support them. In brief, they referred to a state of lawlessness during the referendum in the interior of Sylhet district. Most of the polling booths had no proper security arrangements and intimidation was exercised by large numbers of armed Muslim National Guards and others who had come from Bengal. Many thousands of people who came to vote were forcibly prevented from doing so. There were some incidents of killing voters and others. The district is partly under water and people travelled by boats. Voters coming by boats were not allowed to land.

3. A large number of persons voted who according to definite evidence died in the recent epidemics. Altogether the statements shown to me gave a very extraordinary picture of what took place during the voting in the referendum.

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4. On receipt of this information I sent a telegram[3] to the Governor of Assam requesting him to send me immediately his report and his appraisal of the situation during the referendum and after. I did so especially as a Minister of the Assam Government supported the charges made. I felt that when such very serious charges are made there may be a necessity for a thorough enquiry. This was not only because of the referendum but also because of the state of terrorism that is alleged to prevail in the Sylhet district even now when armed bands move about and threaten vengeance on those who might have voted against joining East Bengal. Most of these people who move about are not residents of Sylhet district but have come from East Bengal.

5. I feel I must draw your attention to these allegations as they are gravely disturbing and if they are at all based on facts then the validity of the referendum is doubtful. May I suggest that some kind of brief enquiry be made and a report from the Governor be awaited before the figures for the Sylhet referendum that you have sent me are published?

Yours sincerely,
JAWAHARLAL NEHRU

[1] R/3/1/158: f 81.
[2] See No. 92; for a more detailed breakdown of the figures, see No. 107.
[3] No. 94.

96

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Arbitral Tribunal

IMMEDIATE NEW DELHI, *13 July 1947, 7.40 pm*
SECRET *Received: 14 July, 00.30 am*

No. 1937-S. Your telegram No. 8974 dated 12th July.[1] Setting up of Arbitration Tribunal. Like you, I am anxious that as far as possible area of controversy remaining after August 15th should be reduced to minimum. General plan I am following is to speed up Partition arrangements and to get agreement over as wide a field as possible. That will indicate points on which reference to Arbitral Tribunal will be necessary and make it easier to secure agreement between parties on Terms of Reference. That stage will in all probability be reached by first week of August which will leave sufficient time for taking action before 15th somewhat on lines suggested by you.

[1] No. 73; the date should be 11 July.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Arbitral Tribunal

MOST IMMEDIATE NEW DELHI, *13 July 1947, 9.00 pm*
SECRET *Received: 13 July, 9.00 pm*

No. 1938–S. Your telegram No. 8975 of July 11th.[1]

Position is that parties have agreed to nominate one Judge each for Arbitral Tribunal, in consultation with Chairman. Chief Justice of India has been invited to be Chairman. He has not yet had time to reply. Terms of reference have not yet been considered and general position is explained in my reply[2] to your telegram 8974.[3]

2. I agree to the draft reply[4] proposed in paragraph 3 of your telegram.

3. In reply to any supplementary questions I feel it would not be unfair to point out that as most of the assets are in the Dominion of India their agreement to a common Governor-General was a generous gesture to Pakistan who have voluntarily deprived themselves of the advantage this system would have conferred on the Dominion with the least assets *in situ*.

4. Congress are feeling very sore at being led up the garden path by Jinnah over a matter in which they were sincerely trying to help him.

[1] No. 72. [2] No. 96. [3] No. 73. [4] No. 72.

98

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/158: f 88

13 July 1947

Dear Mr Nehru,

Thank you for your letter[1] about the Sylhet referendum, which was opened by Abell at about 7.30 this evening and brought straight to me before I went to the French party.

Mr Jinnah made detailed complaints to me yesterday about interference by the Assam Ministry in the referendum and asked for an enquiry, which I refused.[2] I do not know how good a case he could make out, but I have no

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doubt that if an enquiry was held there would be a long and embarrassing contest which at this stage would, in my opinion, do no good.

In any case I have already telegraphed[3] the results to London and authorised their release tomorrow, which means that they are probably already in the offices of the newspapers, and to withdraw them would cause a sensation.

I imagine there are always complaints about the conduct of any election or referendum and in this case the Governor, who is directly responsible under me, has asked for an immediate announcement, which clearly means that he is satisfied.

I am sure, therefore, that we must not stop the announcement of the results tomorrow.

Yours sincerely,
MOUNTBATTEN OF BURMA

[1] No. 95.
[2] The record of the interview on 12 July 1947 between Lord Mountbatten and Mr Jinnah in the Mountbatten Papers (No. 82) makes no reference to a discussion of the Sylhet referendum. The complaints in question, which Jinnah had received and then handed on to Mountbatten, are listed in the latter's tel. No. 1622-S of 28 June 1947 to Sir A. Hydari. R/3/1/158: f 52. In his letter dated 4 July 1947 to Mr Liaquat Ali Khan, Mountbatten stated that, in response to requests he had received from both Liaquat and Jinnah to look into the conduct of the referendum, he had done so and was satisfied that it was being conducted satisfactorily and in a fully impartial manner. *Ibid.*, f 63.
[3] No. 92.

99

Minutes of Viceroy's Fifty Eighth Staff Meeting, Item 1

Mountbatten Papers

SECRET

Those present at this Meeting held at the Viceroy's House, New Delhi, on 14 July 1947 at 10.00 am were: Rear-Admiral Viscount Mountbatten of Burma, Sir G. Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum

Item 1

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

HIS EXCELLENCY THE VICEROY said that he intended again to speak to Mr. Jinnah and Mr. Liaquat Ali Khan on the question of the Reconstitution of the Interim Government, after the Partition Council Meeting the following day. He would point out that one of the main reasons for this reconstitution was so that provisional Governments might be available to give him advice on the Orders-in-Council which were to be issued dealing with each future Dominion.

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He could not accept the Partition Council itself for this purpose, because Mr. Jinnah was a member of that body and it would be improper to act on the advice of a future constitutional Governor-General rather than on that of a future Government; and because the Partition Council was a joint body, unsuitable for considering orders which would be different for either side.

RAO BAHADUR MENON gave his view that the main argument in favour of the reconstitution was the practical consideration of the time required to prepare the two new Governments to take over on 15th August.

HIS EXCELLENCY THE VICEROY:—

(i) directed the Reforms Commissioner to complete the preparation of the Order-in-Council dealing with the Reconstitution of the Interim Government as soon as possible, and to show it to Sir B. N. Rau;

(ii) directed the Reforms Commissioner to prepare a statement for issue to the Press in the event of the Muslim League members of the present Interim Government refusing to co-operate in this reconstitution.

100

Rear-Admiral Viscount Mountbatten of Burma to the Nawab of Bhopal

Mountbatten Papers. Demi-Official Correspondence Files: Bhopal

STRICTLY PERSONAL *14 July 1947*

My dear Hamidullah,

I find it difficult to thank you adequately for your letter of the 7th July[1] because it shows such a fine spirit of friendship that I was very touched.

I am sure that from a personal point of view your advice is right. I tried to take your advice, but find on all hands pressure for me to stay on until, at all events, the partition is through which will be about April next.

It would have been so easy to have slipped away on the 15th August having done a very quick job and to have left others to clear up the mess. But I feel that the correct and unselfish action is to stay and see the job of partition through.

I of course bitterly regret that the scheme for a common Governor-General hasn't come off, since I have an uneasy feeling that Pakistan is likely to suffer and I will not, of course, be in a position to help them. However, Mr Jinnah was so insistent that he would like me to stay on for the good of India as a whole, and I may at least be able to help in the Defence Council.

I hope you will agree that we have made great progress as far as the future Dominion of India Government is concerned, in their accepting the fact that

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States need only adhere to the original three central subjects which you were all prepared to accept under the Cabinet Mission plan, *viz* Defence, External Affairs and Communications. Communications will in any case be dealt with by the standstill agreement, and the other two subjects are so closely bound together that they cannot be separated, nor can they be handled by any State for itself alone.

This means, however, that in the case of every other subject, States will retain complete internal autonomy, and I think all your objections should thereby be met.

I do pray and trust therefore that you will be able to agree at least on these three subjects, and leave yourself completely free in all other matters. You were kind enough to give me personal advice, and you will therefore, I hope, permit me to give you, Hamidullah, personal advice from Dickie Mountbatten.

For your own good and the good of your State I beseech you to accept these three subjects, and thus gain all the advantages of membership of one of the Dominions, not the least of which is non-interference with affairs within your own State.

In any case please don't say 'No' finally without a further talk.

Yours ever,

DICKIE

[1] Vol. XI, No. 561.

101

Rear-Admiral Viscount Mountbatten of Burma to Lieutenant-General Sir R. Lockhart (North-West Frontier Province)

R/3/1/165: f 14

NO. 1446/3 *14 July 1947*

My dear Lockhart,

Thank you for your letter No. GH–116 of the 9th July,[1] with its full account of the various possible developments which might take place after the announcement of the Referendum.

2. The whole context of this has now been altered by the fact that Jinnah will be Governor-General of Pakistan, and secondly because I intend to reconstitute the Central Government immediately the Bill is through Parliament. The result of this will be that I shall have a Pakistan Cabinet to deal with Pakistan affairs, and it will be up to them to advise what action is to be taken in the N.W.F.P.

[1] No. 45.

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3. I discussed the matter with Jinnah yesterday,[2] whose first reaction was to favour dismissal of the Ministry and Section 93. We discussed a possible minority Muslim League ministry and finally I impressed on him that I would ask the advice of my Pakistan Executive Council in due course, and was most averse to going into Section 93.

4. I am very glad that the Referendum is going so smoothly; please thank Booth and his officers for their good work, and I am sure that you yourself deserve a good deal of credit.

Yours sincerely,
MOUNTBATTEN OF BURMA

[2] No. 82.

102

Field Marshal Sir C. Auchinleck to Rear-Admiral Viscount Mountbatten of Burma[1]

R/3/1/171: f 3

PERSONAL AND SECRET

COMMANDER-IN-CHIEF INDIA,
NEW DELHI, — *July 1947*

Dear Lord Mountbatten,

I was asked by Your Excellency at a recent meeting[2] of the Partition Council to prepare a plan in case of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after the 15th August.

I recommend that the Joint Defence Council[3] should have the authority of both the INDIA[4] and PAKISTAN Governments to declare any affected districts to be "disturbed areas".

When this has been done, the Supreme Commander, acting on the request of the Joint Defence Council, will specially appoint a BRITISH Commander, with an adequate HQ, who will have MILITARY control over the area and of such troops and air forces as are considered by him to be necessary. These troops etc should be allotted, by the Commanders-in-Chief of the two Dominions, at the request of the Joint Defence Council.

The British Commander, so appointed, will be responsible to the Joint Defence Council, through the Supreme Commander, who, for this purpose, will temporarily have operational control.

The above procedure would be similar to arrangements I would make for

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disturbances on the boundary before 15 August, and will apply both in the PUNJAB and BENGAL.

Yours sincerely,
C. J. AUCHINLECK

[1] This letter was circulated by the Steering Committee on 14 July for consideration at a meeting of the Partition Council to be held on 17 July; see No. 148, Case No. P.C. 47/6/47.
[2] Mountbatten Papers, Partition Council Minutes, 30 June 1947, Case No. P.C. 9/2/47; see also No. 88, para. 2.
[3] For the decision to establish a Joint Defence Council, see Vol. XI, No. 416.
[4] Emphasis throughout in original.

103

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma (Extract

R/3/1/178: ff 79–81

SECRET GOVERNMENT HOUSE, LAHORE, *14 July 1947*
NO. 697

4. The Partition Committee has been working regularly since 1st July, but progress has not been very good. We have decided on the distribution of the members of the I.C.S. between the two Provinces, and I hope that the representatives of West and East Punjab will let me have their posting proposals within a day or two. We have also agreed on a "stand-still" arrangement for the joint use of various teaching institutions and services (such as the Agricultural College at Lyallpur, the Medical Colleges at Lahore and Amritsar, and the Police Training School and Finger Print Bureau at Phillaur). We have still to deal with the distribution of the members of all the services other than the I.C.S., with financial and physical assets, and with the splitting of the Budget. These are the main preliminaries to Partition—there are of course many other matters which will have to be decided either before or after 15th August.

5. The Boundary problem is uppermost in the minds of everybody. I have reported separately on this question,[1] and have kept Your Excellency in touch with the views of the more militant Sikhs.[2] There is no doubt that non-Muslims are extremely nervous about residing or serving in West Punjab and that Muslims are from happy about their position in East Punjab. In the Indian Civil Service not a single Hindu or Sikh has agreed to serve in the West, and only one Muslim (who has reason to think that the Muslim League would victimize him) has agreed to serve in the East. I am told that the position is the

[1] See No. 89 and its Appendix 'A'.
[2] See Enclosure to No. 56; cf. also No. 67.

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same in the other Services. With feelings as they are now, it is not surprising that the boundary is a very live issue—it may even be a *casus belli* between the two Dominions. The Chairman of the Boundary Commission arrived in Lahore today, and I understand that he believes it will be possible to give the Commission's award before 15th August. If an award is given, it seems to me that under section 4 of the Indian Independence Bill the award boundary prevails over the "notional" boundary and must be adopted for the transfer of power on 15th August. If this view is correct, there may be considerable confusion, since we have necessarily planned on the basis of the "notional" boundary and the adjustments necessitated by any important change in it might well take some little time. I have submitted my views[3] on this problem, which is not an easy one. It is highly probable that the transfer of power will be attended by disorders, but whether they will break out before or after 15th August and how serious they will be it is impossible to say. The Sikhs certainly intend to make a nuisance of themselves; they are unlikely to approve any boundary, and now seem to me almost as suspicious of the Congress as they are of the Muslims.

[3] No. 90.

104

Mr V. P. Menon to Sir C. P. Ramaswami Aiyar

R/3/1/144: ff 53–4

NEW DELHI, *14 July 1947*

Dear Sir C.P.,

The Political Department has passed on to me for information your view on the standstill agreements.[1] I think I should let you know the present developments so that you may be apprised of the situation more clearly.

I must first tell you about the States Department. The States Department has been formed to deal with relations with Indian States in regard to economic and other matters. They are not the successors of the Political Department; in other words there is no question of exercising any Paramountcy over the States. The legal position is quite well known to you and it will be presumptuous on my part to expatiate on it. The only intention is to have some Central machinery to succeed the Political Department in dealing with matters of common concern after the 15th August.

Immediately after the States Department was formed, in which H.E. had already taken a hand, he wanted to clarify the policy of the Department. On this point you will have seen Sardar Vallabhbhai's statement[2] of the 5th July which embodies the considered opinion of the Congress. H.E., after prolonged

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discussion with his advisers, decided that the best policy to be adopted in order to safeguard the interests of both British India as well as the States during the transitional period pending the enforcement of the final Constitution was to ask the States to accede on the three subjects, namely, External Affairs, Defence and Communications. When he took this decision he thought it best that he himself should conduct the negotiations with the States, and to this course both Pandit Nehru and Patel readily agreed.[3] The position then is that the accession on these three subjects has been given the first place in the agenda[4] and H.E. himself will negotiate on this subject.

In our earlier talks you may remember telling me of the importance you attached to a strong Centre as well as to India remaining a Dominion, at any rate for the time being. I reported your opinion on these points to H.E., and you will now see that both these have become accomplished facts under the Indian Independence Bill.

The important consideration which H.E. had in mind in setting up the States Department was this. When on the 15th of August the States get back their sovereignty, the 500 and odd States will be literally released from the Centre and will have no contact either with the Centre or among themselves. This is too dangerous a position, and if the transitional period is not safeguarded the result may be complete chaos. Transitions are always risky; and in India especially at present there is great danger of unsocial elements rearing their heads; unless they are checked at once, it may soon be too late to do so. This danger at present concerns British India most, but the States will not be able to escape the contagion. The aspect of the question which is causing particular concern to H.E. is the Communist menace. The only remedy is to build up an integrated economic and political system which will be able to withstand their attack.

Now that independence has been attained, there is no longer any need for the Congress to hurry up with their final Constitution; and the interim Constitution can continue for some time till a well-thought-out scheme is devised to take its place. Once the States accede to the Dominion for the transitional period their representatives would get in to the Legislature and be in a position to exercise their moderating influence which is good for both the parties concerned. On the other hand if a State stands out it will not be able to influence British India's evolution in any way, and once the major partner goes, the States will be sure to follow.

You may ask me now about the implications of accession. As you know the 1935 Act contemplates accession on a Federal basis. Part II of that Act is being adapted permitting the States to accede to the Dominion. The three matters on which the States will accede do not carry any taxation powers. If you accede to these items the Federal Government would have no right to levy taxation.

[1] No. 58. [2] Vol. XI, No. 528. [3] cf. No. 37, Item 2. [4] See No. 75.

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The States at present pay indirectly to the British Indian exchequer on account of customs, etc. Secondly, what we ask for is only executive and legislative authority in these matters. In other respects the sovereignty of the States (which past conditions did not allow them ever to exercise in full) is completely preserved. Further, your course of action as regards adhesion to the future Constitution is in no way prejudiced by the present accession.

H.E. as you know is a well-wisher both of the States and of British India. Though this letter has not been seen by him I am writing at his instance. He is convinced that unless a minimum degree of solidarity is preserved at this juncture the consequences will be fatal both for British India and the States. Now that H.E. has been able to bring about the transfer of power to India, his one desire is to find a solution of the States' problem satisfactory and fair to both the parties. In his position as Crown Representative he could get the best of terms for the States but only if the negotiations take place before the 15th August. He is now completely concentrating on the solution of this problem. Once this is cleared out of the way the States representatives and the States Department could sit together and negotiate a satisfactory standstill agreement.

Of all the living politicians I have the greatest regard for you both on account of your realistic attitude to affairs and for the part you have played in moulding the destinies of India which has led to freedom. It should not be said of you that at India's critical hour you did not make your contribution towards building up a unified India when you had it in your power to do so. I therefore beg of you not to take any precipitate decision. I shall discuss the matter further when I meet you in Delhi, and whatever may be your grievances against the Congress (and I know you have many) their utterances should not deflect you from what you consider to be in the best interests not only of Travancore but of India as a whole.

Yours sincerely,
V. P. MENON

105

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Sir B. L. Mitter and the Maharaja of Jodhpur (Extract)

Mountbatten Papers. Viceroy's Interview No. 164

14 July 1947

I had a talk with these two together after lunch.

They vied with each other in expressing delight at the setting up of the States Department, the choice of personnel of the Department and the new policy adopted towards the States. They both agreed that in the course of a

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single month the entire outlook for the future peace of India between the States and the Dominion of India had altered, and both were most optimistic of the outcome of future discussions.

Sir B. L. Mitter said that so long as the Congress only demanded adherence to the three Central subjects to qualify for membership of the Dominion he was confident that most States would voluntarily come forward and give up a number of other subjects to the Dominion Central Government.

* * *

106

Cabinet

India and Burma Committee. Paper I.B.(47)139

L/P&S/13/1842: ff 77–81

TRAVANCORE

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

SECRET INDIA OFFICE, *14 July 1947*

I circulate a copy of a telegram[1] from the Dewan of Travancore (Sir C. P. Ramaswami Aiyar) of which identical copies have been received by the Prime Minister and by myself and which was published as a letter in the Daily Telegraph on 9th July. I also circulate a copy of the reply[2] which the Prime Minister has sent.

2. His Highness the Maharaja of Travancore has declared that on 15th August his State will become independent. The Maharaja's statement left the door open for the establishment of a treaty relationship with the Dominion of India and it was announced by the Travancore Government on 21st June that Pakistan had agreed to receive a Travancore representative and to establish a relationship of mutual advantage with the State.[3] There has been some interchange of provocative speeches on the subject between the Dewan, Mr Nehru and Mr Gandhi,[4] but there is a Travancore Delegation now at Delhi participating in discussions between representatives of the States and the interim Government regarding the future relationship of the States with British India. Sir C. P. Ramaswami Aiyar is an expert in political negotiation[5] and his present

[1] Enclosure 1. [2] Enclosure 2. [3] cf. Vol. XI, No. 295. [4] *Ibid.*, cf. No. 226.

[5] In his letter of 11 July 1947 to Lord Mountbatten, Sir A. Nye commented: 'The present campaign, which has gone on for the last few weeks, about the relations of the Indian States with the new Dominions has had some effect locally. The public wrangle between Gandhi and the Dewan of Travancore has excited great interest here and caused a good deal of annoyance. On the whole, Sir C.P. Ramaswamy Ayyar, who has a very logical mind, seems to be winning!' Mountbatten Papers, Letters to and from Provincial Governors: Madras.

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tactics may very well be to use the threat of independence as a means of obtaining an association with either India or Pakistan on favourable terms.

3. We have agreed (I.B.(47)28th Meeting Minute 4[6] and I.B.(47)36th Meeting Minute 2)[7] that we should encourage the States to associate themselves in a federal or treaty relationship with one or other of the new Indian Dominions and that we should withhold judgement at present as to what our attitude would be towards any Indian State which decides to remain independent of both the new Dominions and is able to make its independence effective. I do not suggest any alteration of this policy at this stage. But the case of Travancore is likely to offer special difficulties in its application because:

(*a*) The Government is clearly determined to establish for the State independence, or at least a very high degree of autonomy. On the other hand the Congress Party, even if willing to abstain from interference in the internal policy of the State, will be most reluctant to permit it to determine the destination of its exportable surplus of rubber, tea, coir and mineral sands. They will doubtless also wish to exclude the risk of Travancore becoming a *pied à terre* in India for foreign influence. There is, therefore, little hope that the Conference now proceeding[8] at Delhi will record any final agreement so far as Travancore is concerned.

(*b*) Travancore's economic and geographical position is such as to enable the State to assert effective independence, at any rate for a time. A high proportion of its trade is with overseas markets, and, having its own ports, it can insist on conducting its own overseas trade independently of export controls maintained by the Government of India. In this connection we are likely to be faced soon by two awkward decisions:

(i) The Ministry of Food may have to choose between foregoing their 1947 requirements of Travancore tea or obtaining them by a procedure inconsistent with their recent agreement with the Government of India about tea. Fortunately the quantity involved is only 12–20 million pounds out of the 260 million pounds we hope to get from India.

(ii) There are indications that Travancore, apprehensive lest the Government of India may instruct the Reserve Bank to withhold exchange from Travancore in order to bring pressure to bear on it, will try to build up nest eggs of sterling and dollars from the proceeds of Travancore exports, in order to finance its imports from overseas. If this happens Travancore may well press us to accord exchange facilities in respect of its sterling holdings, which would be inconsistent with our policy of treating India as a unit from the foreign exchange point of view.

(*c*) The Ministry of Supply entered into a direct agreement with Travancore State on 2nd April 1947 for the export of monazite to the United Kingdom.[9]

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In making this agreement the Dewan stipulated that the fulfilment of the contract is dependent on the continuance of normal conditions and that any fundamental change of policy by His Majesty's Government or the Government of India or any *force majeure* would be disabling factors. There are indications that the Dewan may use this stipulation to denounce the agreement. It is also conceivable that he will argue that Clause 7(1)(*b*) of the Indian Independence Bill[10] voids the agreement in any case, together with other treaties and agreements between the States and the Crown. He may then offer to re-negotiate it only on condition that His Majesty's Government recognise the independence of the State or at any rate its economic autonomy on such points as those referred to in (*b*) above.

4. I would accordingly propose that:

(1) For the time being at any rate, and until the prospects of Travancore reaching a measure of agreement with the Dominion of India become clearer, we should avoid any statement which would give this State leverage in asserting its independence or economic autonomy;

(2) If at some later stage it becomes clear that Travancore or any other State has effectively asserted independence, we may have to reconsider our policy;

(3) In the meantime we may be compelled to arrive at some understanding with Travancore regarding the deliveries of monazite. If any communication has to be made to the Travancore Government on this subject it will be necessary for this to be done through the agency of the United Kingdom High Commissioner.

L.

Enclosure 1 to No. 106

TELEGRAM FROM THE DEWAN OF TRAVANCORE TO THE PRIME MINISTER DATED 6TH JULY

Statement by Sir C. P. Ramaswami Aiyar in reply to Lord Listowel's statement.

Adverting to Lord Listowel's speech[11] at the press conference in London with

[6] Vol. X, No. 553. [7] Vol. XI, No. 360.

[8] The conference did not in fact take place until 25 July.

[9] See Vol. IX, No. 469, note 6.

[10] Vol. XI, No. 428. See also No. 164 of this volume for the relevant clause in the Indian Independence Act.

[11] Sir C.P. Ramaswami Aiyar had evidently seen a Reuters report on Lord Listowel's speech to the press at the India Office on 4 July 1947. On the question of the States the report alleged that Listowel had said: 'Only two States have so far declared for complete independence—Hyderabad and Travancore. We hope they will join up with one of the Constituent Assemblies. Quite a number have joined, others will join shortly. These are only two States out of 600. We could not make up our minds regarding these two States as we did not want to prejudice the choice of other States. We want to encourage them to join up. We do not want to encourage them not to join with one of the two Dominions'. On a file copy of this extract from Listowel's speech Mr Chisholm noted on 9 July: 'Spoke P/S. The S/S does *not* agree that this represents what he told the press'. (emphasis in original). L/P &S/13/1842: f 108.

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reference to Travancore I wish to emphasise on behalf of His Highness the Maharaja of Travancore who has the overwhelming mass of public opinion behind him in the most highly educated State in South Asia, that Travancore cannot be forced to join a Dominion whose leaders have at this critical juncture in world history established diplomatic relations with the Soviet Republic. This step cannot but be followed by the establishment of Russian Embassies and Consulates all over India with results that need not be detailed. Within 50 miles of Travancore are the main centres of Communist influence in South India. The new diplomatic set up will afford immense facilities for infiltration of Communist propaganda, money and violent activities which have already been notorious in Cochin and British Malabar. The step taken by the Interim Government is all the more strange in view to the past declarations of Congress leaders.

2. Travancore['s] economic and commercial position is special to itself. Its imports will be from Burma, Pakistan, the Middle East, England and America main and will be of the order of twenty million pounds per year. Its imports from the Indian Dominion will be relatively very small. Its exports will be to the Indian Dominion and the Pakistan Dominion and England and America and will be of the order of twenty seven million pounds per year. The balance of trade has been and will always be in favour of Travancore which can thus command dollar and sterling credit without difficulty and independent fiscal and commercial policy is essential for Travancore.

3. Although the State has offered to cooperate with the two Dominions and to enter into the most friendly treaty and other relations with them in regard not only to defence and communications but also such matters as public health, education and research, the independence of Travancore is essential for its existence and for the maintenance of those high standards of life, education and public health which are more easily realisable in this State than elsewhere in India. The recent statesmanlike utterances of Sardar Patel[12] and the President of the All-India States People Conference[13] have partially realised these aspects and are in refreshing contrast to previous bellicose statements.[14]

Enclosure 2 to No. 106

TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO CROWN REPRESENTATIVE DATED 14TH JULY 1947

Prime Minister and I have received telegram from Dewan of Travancore referring to a rather inaccurate report which seems to have reached India of what I said about States at press conference on 4th July and summarizing case for independence of Travancore. The Dewan says that State is ready to enter into friendly treaty and other relations with two Dominions regarding defence,

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communications and such other matters as public health, education and research, but stipulates that independent fiscal and commercial policy is essential.

2. If you see no objection please communicate following reply from Prime Minister to Dewan: *Begins.* Secretary of State and I wish to thank you for your telegrams of 6th July which we have discussed. He tells me that report sent to India on what he said about States at press conference to which you refer was not entirely accurate. As I explained[15] in House of Commons on 10th July we hope that all States will in due course find their appropriate place in one or other of the new Dominions within British Commonwealth. We realise States may need a little time to take their decisions and we hope that no irrevocable decision to stay out will be taken prematurely. *Ends.*[16]

[12] Volume XI, No. 528.

[13] Presumably a reference to Dr B. Pattabhi Sitaramayya, the Working President of the All India States' People's Conference. No reference to a statement or speech along these lines by Sitaramayya has been traced in the India Office Records.

[14] cf. Vol. X, No. 181, note 2 and No. 193.

[15] *Parl. Debs.*, 5th ser., H. of C., vol. 439, cols. 2451–2.

[16] This message was duly transmitted in tel. 1977-P of 15 July to the Resident for the Madras States for communication to Sir C. P. Ramaswami Aiyar. R/3/1/138: f 144.

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Sir A. Hydari (Assam) to Pandit Nehru

Telegram, R/3/1/158: ff 89–91

MOST IMMEDIATE SHILLONG, *14 July 1947, 4.35 pm*
PERSONAL *Received: 14 July, 11.45 pm*

No. 959/C. Your telegram No. 5483 of July 13th.[1] Referendum in Sylhet just received. Following figures which I have obtained from Referendum Commissioner bears [? are] as follows. Percentage of valid votes to total electorate 77.33. Following figures for five Sub-Divisions in Sylhet read in following order:

Name of Sub-Division	Total Muslim Electorate	Total General Electorate	Votes cast for Eastern Bengal	Votes for remaining in Assam
SADAR	92,268	48,863	68,381	38,871
KARIMGANJ	54,022	46,221	41,262	40,536
HABIBGANJ	75,274	60,252	54,543	36,952
SOUTH SYLHET	38,297	41,427	31,718	33,471
SUNAMAGANJ	51,846	39,045	43,715	34,211

[1] No. 94.

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Above figures show

(1) that a large proportion of electorate went to polls and

(2) that in each Sub-Division proportion of votes cast for Eastern Bengal and for remaining in Assam in relation to Moslem and General electorates respectively was very high. Therefore taking district as a whole, including interior areas, there could not have been intimidation on a large scale, or if will to intimidate was there, military and police precautions were adequate to prevent it. Mukherji one of the two Assam Ministers who had previously supported allegations of widespread intimidation now agrees that in the light of these figures they could not have been well founded.

I spent whole of July 9th in Sylhet investigating allegations in para No. 1 of your telegram at a conference at which the following were present: Messrs. Mukherji and Basanta Kumar Das the two ministers through whom most of the complaints had been made, Col. Mahindar Singh Chopra commanding troops in Sylhet, Deputy Commissioner, Reid Deputy Inspector General of Police and four European Military Officers sent by Viceroy to help Stork in supervising actual polling. All these officers travelled about various Sub-Divisions during two days voting.

Great majority of specific complaints were found, on testimony of military or police officers who were in localities from which these complaints came, to be unfounded. In other cases, in respect of which reports from military or police had not come, inquiries were promised and result of some of these which have come in has proved complaints to be much exaggerated. There were large numbers of Muslim National Guards who behaved arrogantly but none of them was allowed to be armed even with lathis. Hindu voters in Muslim majority areas were afraid for safety of their houses and their women folk, and in one case a small party of them refused to go to the polls even when promised escort by the military to the polls and back to their village. But while there must have been threats to induce this frame of mind there were no acts of physical lawlessness except for two incidents. In one, as a result of the police firing, one Muslim was killed and two injured, and in other a scuffle resulting in injuries to about 8 persons took place when a crowd gathered round bus which had got bogged [?down]. [?All] authorities attending conference mentioned above testified to their being sufficient protection at the polling booths, and officers sent by Viceroy were particularly emphatic about peaceful character of whole operation of polling during two days. I understand from Referendum Commissioner that complaint of false impersonation on any considerable scale is unfounded.

On my return to Shillong on evening of 9th I recounted all these matters to Bardoloi for his information, and also for yours as he was going to Delhi.

As regards security to voters after Referendum same precautions military

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and civil continue as were taken just before and during Referendum with this added advantage that now there is no need to guard polling booths. Reports are coming in of small scale evacuation of Hindu women and children from some interior villages to towns for fear of what may happen. But efforts are being made through military police and local authorities to allay this feeling of panic. I am in telephonic touch with Colonel Chopra [and] Inspector General of Police and will go down to Sylhet if lawlessness breaks out as a result of present tension. Much depends whether League takes its success at polls calmly or not. Have instructed Deputy Commissioner to stop influx if any of volunteers from Bengal. Is there any further information you require?[2]

[2] In his tel. 5530 of 15 July Pandit Nehru replied as follows: 'In view of facts stated by you and large percentage of voters and substantial majority in favour [of] joining East Bengal it appears clear that any irregularities and intimidation that may have taken place could not have affected result of referendum'. R/3/1/158: f 94.

108

Minutes of Viceroy's Fifty Ninth Staff Meeting, Items 1 and 3

Mountbatten Papers

SECRET

Those present at this Meeting held at the Viceroy's House, New Delhi, on 14 July 1947 at 6.30 pm were: Rear-Admiral Viscount Mountbatten of Burma, Sir G. Abell, Rao Bahadur V. P. Menon, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum.

Item 1

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

RAO BAHADUR MENON handed round a note[1] on the Reconstitution of the Interim Government, and a Draft Order[2] for issue by the Governor-General. He explained that the redistribution of portfolios would be the subject of an Executive Order by the Governor-General.

HIS EXCELLENCY THE VICEROY said that the great advantage of the plan which Rao Bahadur Menon had produced was that it avoided the necessity for the resignation of the Muslim League members of the Executive Council. All that they could now do, if Mr Jinnah still decided to oppose this plan, was to refuse to take over their reponsibilities. HIS EXCELLENCY said that, in such circumstances, he might hold all the Pakistan portfolios in his own hand, and set up the necessary Departments consisting of officials.

[1] Enclosure 1. [2] Enclosure 2.

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HIS EXCELLENCY THE VICEROY:

(i) directed Con. Sec. to telegraph the Draft Order, prepared by the Reforms Commissioner, to the Secretary of State, together with a covering telegram;

(ii) directed the Reforms Commissioner to amend the Draft Order, before issue, to include provision that, as from the date of the reconstitution, all officials would be posted to the Department of the Dominion for which they had opted;

(iii) directed the Reforms Commissioner to prepare two statements for issue to the Press concurrently with the Order, in the alternative events of Mr Jinnah accepting or refusing this plan.

Item 3

THE PUNJAB

The Meeting considered two letters[3] from the Governor of the Punjab dealing with two matters which the Punjab Partition Committee desired to be referred to the Central Partition Council.

HIS EXCELLENCY pointed out that it was assumed, in these letters, that the award of the Boundary Commission would not be available by 15th August. The assumption more likely to prove correct was that the award would be available by 15th August, but within so short a time before that date that it would not be possible to make the adjustments required before then. HIS EXCELLENCY said that he was in fact expecting to receive the awards of the Boundary Commissions on the night of 11th August.

HIS EXCELLENCY said that he believed that it might be far easier effectively to put down a general uprising of the Sikhs than it had been to deal with isolated cases of arson and stabbing.

RAO BAHADUR MENON pointed out that the damage that the Sikhs were most likely to do would consist of the destruction of canal banks—and it would be quite impossible to guard all the canals.

HIS EXCELLENCY emphasised the necessity for the areas adjacent to the final boundary being controlled by the two new Governments themselves. This would be preferable to control by the Joint Defence Council.

MR SCOTT advocated the desirability of broadcast speeches by the Party Leaders (perhaps the future Prime Ministers of the new Dominions), stating that disorder would be put down ruthlessly, immediately after the awards of the Boundary Commissions were published.

HIS EXCELLENCY THE VICEROY:

directed P.S.V. to prepare a note to be circulated for consideration by the Partition Council on the points put forward by the Punjab Partition Com-

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mittee, and containing his (The Viceroy's) suggestions on how to deal with these points.

Enclosure 1 to No. 108

RECONSTITUTION OF THE GOVERNOR GENERAL'S EXECUTIVE COUNCIL

This was discussed today at a meeting[4] at which were present Sir George Spence, Mr Cooke, Mr Sundaram and myself.

2. We think that psychologically it would be a bad move to ask the Muslim League members of the Council to resign. The Muslim League would be resentful if they were made to resign, and worse still, if they were dismissed. For the purpose of reconstituting the Council on the plan we have in mind there is however no need to adopt the procedure of resignation.

3. It is in H.E.'s power to withdraw all portfolios, re-allocate them and create new portfolios. This is not a function of the Governor-General in Council. What H.E. should do is to tell Mr Jinnah that he proposes to withdraw all portfolios including those now held by the League members, and re-allocate them among the Congress members. The holders of these portfolios will however be primarily concerned with the affairs of the future Dominion of India. At the same time there will be created corresponding portfolios to be allocated among the League members who will in their turn be primarily concerned with the affairs of the Dominion of Pakistan in respect of those portfolios. Matters of common concern to both Dominions will be dealt with by the whole Council sitting together.

4. If this is accepted by Mr Jinnah—and I have no reason to believe that the Congress will object to it—H.E. can then make an order under Clause 9 of the Indian Independence Bill regularising the position. A tentative draft of the order is attached.

Enclosure 2 to No. 108

DRAFT ORDER

In exercise of the powers conferred by sub-section (2) of section 40 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and by paragraph (*e*) of sub-section (1) of section 9 of the Indian Independence Act, 1947, the Governor-General is pleased to make the following order:

(1) Each Department existing immediately before the commencement of this Order shall be renamed by adding the word "India" in brackets at the end

[3] Nos. 89 and 90. [4] No record of this meeting has been traced.

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of its former designation. Each such Department shall handle cases exclusively or predominantly concerning the new Dominion of India.

(2) As from the commencement of this Order there shall be created a Department corresponding with each of the Departments existing immediately before the commencement of this Order. Each new Department so created shall bear the same designation as the corresponding Department for India, but with the substitution of "(Pakistan)" for "(India)" at the end of the designation. Each new Department so created shall handle cases exclusively or predominantly concerning the Dominion of Pakistan.

(3) Cases of common concern to the two new Dominions shall be handled in consultation by the appropriate Indian Department and the appropriate Pakistan Department.

(4) For the purpose of dealing with any case which exclusively or predominantly concerns the Dominion of India members of the Executive Council in charge of Pakistan Departments shall not be entitled to attend the meetings of the Council.

(5) For the purpose of dealing with any case which exclusively or predominantly concerns the Dominion of Pakistan, members of the Executive Council in charge of Indian Departments shall not be entitled to attend the meetings of the Council.

(6) Any question as to whether a case exclusively or predominantly concerns the Dominion of India or Pakistan shall be determined for the purposes of this Order by the Governor-General, whose determination shall be final.

(7) Any provision contained in the Ninth Schedule to the Government of India Act, 1935, or any rules or orders made thereunder shall to the extent to which it is inconsistent with the provisions of this Order, cease to have effect.

(8) This Order shall cease to have effect at midnight on the 14th day of August 1947.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/157: f 165

MOST IMMEDIATE NEW DELHI, *14 July 1947, 7.30 pm*
SECRET *Received: 14 July, 5.30 pm*

No. 1951–S. Your 9036 of 14th July.[1]

1. Baldev Singh was present at Viceroy's 18th Miscellaneous Meeting[2] on 13th June (of which you have copies of minutes) at which composition of

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Boundary Commissions was agreed. Baldev Singh was present at Partition Council Meeting[3] on 10th July at which amendments to clauses 3 and 4 were agreed.

2. At a meeting of the Partition Committee on 27th June I asked Baldev Singh whether he agreed with the terms of reference. He signified that though not content he accepted them.[4]

[1] In this telegram Lord Listowel asked Lord Mountbatten whether it could be stated at the Committee Stage of the Bill that the Sikhs had agreed to the personnel and terms of reference of the Boundary Commission and also whether they had agreed to the proposed amendments to Clauses 3 and 4 of the Bill. R/3/1/157: f 164.

[2] Vol. XI, No. 175, Item 2. [3] No. 52, Case No. P.C. 26/4/47.

[4] cf. Vol. XI, No. 369, para. 10.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 121

IMMEDIATE NEW DELHI, *14 July 1947, 11.00 pm*
SECRET *Received: 14 July, 11.10 pm*

No. 1958–S. When I saw Jinnah on Saturday 12th July,[1] he intimated that in no circumstances would he be ready to accept the original plan for the reconstitution of the Interim Government, *vide* my telegram to Ismay 1848–S of 8th July.[2]

2. I therefore explained the scheme referred to in Para. 2 of my telegram 1974–S of 9th July[3] to Ismay. Jinnah was still unforthcoming and opposed to any plan of reconstruction, particularly one which involved resignation from present Government of Muslim League Members.

3. Spence and V. P. Menon have now helped me to produce an ingenious means of avoiding the necessity for the League Members to resign. My next telegram[4] contains the text of a Draft Order.

4. I shall talk to Jinnah and Liaquat about this tomorrow, and will inform you of their reactions. In any case I intend to go ahead with it.

5. When I issue the Order, I shall also put out a Press Note explaining the necessity for it. This will point out particularly the necessity for the immediate constitution of a provisional Government for each of the new Dominions, to give me advice on matters affecting their respective territories. I have in mind

[1] No. 82. [2] No. 25. [3] No. 51.

[4] Not printed. The telegram referred to transmitted the text of the Draft Order in No. 108, Enclosure 2.

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to consult these Provisional Governments on the adaptations to be made to the Government of India Act, 1935; and in particular, so far as Pakistan is concerned, after the Referendum in the N.W.F.P., the future of the Ministry there has to be decided in accordance with the wishes of the Provisional Government. It would be improper now that Jinnah is officially Governor-General of Pakistan to associate him rather than a Provisional Government with the giving of advice on issues affecting Pakistan.[5]

[5] In telegram No. 9088 of 15 July to Sir G. Abell, Mr Harris sought clarification on the question of the allocation of portfolios in the Provisional Governments of India and Pakistan. He wanted to know whether the intention was for existing members of the Interim Government to hold several portfolios in the new governments or whether additional members would be appointed in order to provide one member for each portfolio. If the latter were the intention, the King's approval would be required befor an Order could be made. Harris therefore asked that any new names should be notified to the India Office as soon as possible. L/P &J/10/82: f 37.

III

Note[1] by Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)

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I attach for consideration by the Partition Council a note[2] prepared by the Governor of the Punjab asking on behalf of the parties in the Punjab for the decision of the Partition Council on two issues about the partitioning of the Province.

2. I have asked Sir Cyril Radcliffe to see that the report of the Boundary Commission is presented before the 15th August, and he intends to do this.[3] There will however be no time to implement the decision before the 15th August if there are major changes from the notional boundary.

3. It seems to me that planning must proceed on the basis of the notional boundary, and that the East Punjab must therefore plan to set up its capital in its own territory as now defined.

4. On the second issue about the interim administration of the disputed districts, the Governor has proposed that the following action should be taken. It should be made quite clear that the two Dominion Governments are pledged to accept and enforce the Boundary Commission's award. They should agree to appoint "a Boundary Administration" responsible to the Premiers of both Dominions to see that the final boundary is if necessary demarcated and that the award is enforced. This organisation which should be in position early in August, might have to consist of Army officers. It would have senior liaison

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officers with the Provincial Governments of the East and West Punjab, and junior liaison officers in the disputed districts. Pending the award the organisation would keep a close watch on law and order matters, and report up to 15th August to me for the information of the Partition Council, and thereafter to the two Premiers any occurrences likely to cause concern to the minorities on either side of the notional line, and any preparations to resist the award. On the award being announced, the head of the organisation would be responsible for its enforcement with the co-operation of the Provincial Governments, and of the troops at the disposal of the Dominions.

[1] See No. 108, Item 3. Lord Mountbatten's note was considered at a meeting of the Partition Council on 17 July; see No. 148, Case No. 56/6/47.
[2] See Appendix 'A' to No. 89.
[3] cf. Nos. 12, Item 1 and 65, para. 8.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Jinnah and Mr Liaquat Ali Khan (Extract)

Mountbatten Papers. Viceroy's Interview No. 165

SECRET *15 July 1947*

I kept them back after the meeting of the Partition Council, from 11.30 to 12 noon. I first handed them both a copy of the Order[1] I proposed to make reconstituting the Government on the 19th July.

Mr. Jinnah did his usual business of demurring and saying he would have to give it due consideration. I told him that that was quite unnecessary since this was not an Order in Council on advice but an Order from myself made legal under clause 9 of the Bill, and that I proposed to circulate it to the Cabinet the following morning as an act of courtesy prior to making the order.

I pointed out that resignations were not required under this Order, and that I, on the contrary, required a Pakistan Council for two vital purposes: (*a*) to be the Council to advise me on the Orders in Council for the amendment of the 1935 Act as required by the future Pakistan Government; and (*b*) to advise me if the present Government in the N.W.F.P. refused to resign after having lost the Referendum.

Finally I pointed out the immense advantage to Pakistan in being able to set up their own departments with their own officials as well as Ministers well in advance of the move to Karachi.

(As they were leaving I kept back Mr. Liaquat Ali Khan for a moment

[1] See No. 116, Enclosure 3.

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to make it quite clear that I could not make the Orders in Council for Pakistan on the advice of Mr. Jinnah, since he was going to become the constitutional Governor-General[2] of Pakistan and should therefore no longer give me advice on this matter. I had not wished to rub this point in to Mr. Jinnah, but I wished Mr. Liaquat Ali Khan to be under no illusions that I would take no advice whatever from Mr. Jinnah on this matter from now on, which would have to be submitted through the Pakistan Council. Mr. Liaquat Ali Khan appeared to see the point, as he nodded and said "Thank you very much".)

ITEM 2. I referred once more to the question of flags[3] and expressed renewed regret that Pakistan would not accept a small Union Jack on the Dominion flag. This gave Mr. Jinnah the chance of saying that the last thing he wished to do was to sever his connection with the Commonwealth in any way, and in fact he was looking forward to building up an ever closer connection as time went on. I told him that flags were an important outward and visible symbol and I hoped that he would at least adopt the custom of hoisting the Union Jack alongside the Dominion flag, either on the same pole or on two separate poles, on all special occasions such as birthdays of the Royal Family, Dominion Days of other Dominions (and presumably their own on the 15th August each year), and in general on as many occasions as possible. He replied: "Certainly, if you will give me a list of the days on which the Union Jack should be hoisted throughout Pakistan, I will see that it is done".

ITEM 3. I urged him to make up his mind on the Army Commander-in-Chief of Pakistan and told him he could not possibly do better than appoint General Messervy; he was already in command at Rawalpindi with his H.Q. Staff and to that extent Pakistan would have an advantage over India, who would have to set up a new Headquarters for the new C-in-C India. I told him General Messervy was coming here for our Silver Wedding and he would have an opportunity of seeing him again in the next two or three days. Mr. Jinnah said he would like to talk it over with General Messervy and would let me know his decision immediately afterwards.

ITEM 4. I asked them both whether they thought any useful purpose would be served by keeping Lord Ismay on, on my staff (paid by HMG) with a view to keeping liaison with Mr Jinnah and Mr. Liaquat Ali Khan. Both of them became excited and enthusiastic and said that they considered it absolutely essential that Lord Ismay should stay, and indeed that this would be the perfect solution to the problem of liaison between the two Governments in the early days on high level policy questions, and would reduce the chance of friction to a minimum. I told them that I could not guarantee that Lord Ismay would accept, but that I knew that the opinions they had both expressed would weigh greatly with him.

ITEM 5. Mr. Liaquat Ali Khan was anxious to know whether I had had a

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reply from Sir Patrick Spens yet about the Arbitral Tribunal,[4] as they had selected their candidate and were anxious to discuss the matter with him. In fact they wanted to ask their candidate to come up to Delhi to meet the Chief Justice. I advised against this as it might make the Chief Justice feel that his hand was being forced. I told them that Sir Patrick Spens was expected in Delhi within the next day or two.

ITEM 6. Mr. Liaquat Ali Khan then asked what successor body I intended to establish after the 15th August to take the place of the Partition Council. I said I had not yet given this matter much thought, but would now consider it and let him know.

ITEM 7. He asked me whether I thought I could use my well known persuasive powers to get the Congress to agree to let the Pakistan High Commissioner and his Staff be housed in the Red Fort. I said I would go into this.

* * *

[2] Mr Jinnah did not in fact become a constitutional Governor-General; see Nos. 86, 117 and 122.
[3] See No. 82.
[4] See Vol. XI, No. 516 and No. 65, para. 13 of this volume.

113

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Field Marshal Sir C. Auchinleck (Extract)

Mountbatten Papers. Viceroy's Interview No. 166

SECRET *15 July 1947*

The Commander-in-Chief reported the result of the C.G.S's conversation[1] with Pandit Nehru, and thanked me for having arranged this interview which he thought was most helpful to all concerned and better than if he himself had gone to see Pandit Nehru. He said that he would arrange to have one or two Indian Officers promoted to Major-General in each Division by the 15th August.

2. I informed the C.-in-C. that I had warned the Defence Member that I had heard rumours of his disgraceful behaviour in doubting the integrity of the C.G.S. and other senior British officers[2] and that if this came to my ears officially I should take an extremely serious view of his dishonourable behaviour. The C.-in-C. was delighted that I had spoken like this, for he said the Defence Member's behaviour had become quite intolerable recently and was dictated by his insane desire to do down Pakistan at all costs during the partition of the

[1] No. 88.
[2] cf. Appendix 'A' to No. 66 and No. 88, para. 3.

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Armed Forces; whereas the British officers were anxious to see ordinary fair play.

3. The C.-in-C. suggested to me that the future British Embassy or High Commissioner's residence should unquestionably be the C.-in-C's House, since no future C.-in-C. of the Indian Dominion could either afford to live in so big a house or would have the position in the Dominion which the C.-in-C. in India had under British rule. I told him I thought this was an excellent idea and would follow it up with Sir Terence Shone. He told me that Sir Terence was equally enthusiastic but that H.M.G. had been unwilling to face the expense. I told him I would take this up with the Prime Minister and H.M.G. and would probably write up the idea in my next V.P.R.

4. The C.-in-C. raised the question of the position of British officers in command of troops of the two Dominions becoming involved in a frontier clash between troops of the two Dominions or, in the extreme case, in the event of war between the two Dominions; although he admitted that this was unlikely. He also raised the question of British officers in charge of Indian troops having to take the offensive against a State like Travancore.[3] He said he had mentioned this to the Defence Member, who had been most anxious that the C.-in-C. should not raise it officially since he said it would worry the leaders very much to think they could not count on British officers serving the Dominions without reservations. I therefore undertook to telegraph to the Secretary of State to find out what the view of H.M.G. on this point would be.

5. The C.-in-C. pointed out that he had not yet had an official ruling about the Gurkhas, and this was worrying him since he could not begin to ask the Gurkhas if they were prepared to stay on and serve with the British Army until some announcement was made. He admitted that the responsibility for this lay between the High Commissioner, H.M.G. and the Government of India; but he regretted that nothing further appeared to have been done since the visit of the C.I.G.S. I undertook to follow this matter up either with the High Commissioner or the Secretary of State, or both.

6. The C.-in-C. informed me that the first contingent of British troops to leave India would be 3,000 on board the Georgic, leaving Bombay on the 17th August. We agreed we would go down together to Bombay to see them off, and that I would write to the Governor asking him to put us both up. The C.-in-C. said he would go into the question of appropriate farewell ceremonies (M.S.V. should keep in touch with the C.-in-C's Secretary about this).

* * *

8. I told the Commander-in-Chief that the Partition Council had authorised me to draft a "Charter of Liberty"[4] in which both sides would pledge them-

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selves to respect the Minorities, along the lines of Mr Jinnah's press conference.[5] I also hoped to put in something about a political amnesty and no victimisation of previous political opponents (e.g. Khizar), and that finally it would contain a warning to any unruly elements among the Sikhs or Khaksars that no form of violence would be tolerated by either Government, and that on the boundary joint action would be taken under a joint organisation. The C.-in-C. was most enthusiastic about this and asked that in this "Charter of Liberty" a gracious gesture should be made to the British officers, extending a welcome to those who would stay on and serve and ensuring them of very fair and liberal treatment. I told him I would include this in my draft.

[3] See Vol. XI, No. 476.

[4] The first reference in the Partition Council minutes in the Mountbatten Papers to a statement of this nature is at No. 148, Case No. P.C.47/6/47. No earlier reference has been traced.

[5] In answering questions on the minorities problem at his press conference on 13 July Mr Jinnah stated: 'The minorities, to whichever community they may belong, will be safeguarded. Their religion or their faith or belief will be protected in every possible way. Their life and property will be secure. There will be no interference of any kind with their freedom of worship. They will have their protection with regard to their religion, faith, their life, their property and their culture. They will be in all respects treated as citizens of Pakistan without any distinction of caste, colour, religion or creed.' *Times of India*, 14 July 1947.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/158: f 95

SECRET EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
NO. F.7(7)-P.S./47 *15 July 1947*

Dear Lord Mountbatten,

I have received a telegraphic reply[1] from the Governor of Assam in regard to the Sylhet referendum. He has given full particulars. There was undoubtedly intimidation, false impersonation and incursion of Muslim National Guards from Bengal. But it seems clear both from the number of people who voted and the result of the voting that any irregularities that took place could not materially affect the result of the referendum.

There is one important matter to which our attention has been drawn by Mr Gopinath Bardoloi, Prime Minister of Assam. From the June 3rd statement it appeared that such parts of Sylhet district as might be determined by the Boundary Commission would be transferred to East Bengal, this, of course, after the referendum had taken place and the major issue decided. The Parliamentary Bill is not quite clear on this point and it might be said that in case the boundary has not been demarcated by the Commission by the 15th August,

[1] No. 107.

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the whole of Sylhet district will be transferred. Subsequently it might be necessary and indeed it is highly probable that certain parts of Sylhet district will have to go back to Assam after the report of the Boundary Commission. Obviously this business of transfer and retransfer of territory will produce very great confusion and difficulty and will completely upset the life of the district and surrounding areas. The process of transfer must be a single one after final determination of the area to be transferred. The easiest way to arrange this is to get the report of the Boundary Commission before the 15th August.

This question of course arises in a more or less similar form in regard to the notional division of Bengal and Punjab.

It is not quite clear as to whether the Bengal Boundary Commission will also deal with Sylhet. Presumably, this will be so. The Assam Prime Minister has pointed out that this procedure will not be a happy one, as people from Bengal will not be fully acquainted with, or interested in, Assam. There is, as a matter of fact, a longstanding difference of opinion between the Bengalees and the Assamese, quite apart from any of them being Hindus or Muslims. The Boundary Commission consists of eminent Calcutta High Court Judges who naturally will be inclined to view the question more from the point of view of Bengal than of Assam.

I do not know what can be done about this matter. Because of the shortness of time available it might be desirable to have a third Boundary Commission for the Sylhet Area, one person representing the Congress and the other the Muslim League, with a Chairman. This Commission might work in collaboration with the Bengal Commission.

Or else, it might be possible to attach two assessors, representing Assam, to the present Boundary Commission for Bengal. They would only function in so far as Sylhet area is concerned.

These are just ideas which occurred and I have not consulted any one about them yet. If you wish, however, you could consult Mr Gopinath Bardoloi, the Assam Prime Minister, in regard to this matter.

I am attaching a brief note[2] by Sir B. N. Rau pointing out the slight discrepancy between the June 3rd statement and the draft Parliamentary Bill in regard to Sylhet.

Yours sincerely,
JAWAHARLAL NEHRU

[2] Not printed.

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Sir C. Trivedi (Orissa) to Rear-Admiral Viscount Mountbatten of Burma
(Extract)
R/3/1/138: f 140

REPORT NO. 4 *15 July 1947*

5. When I was at Delhi I received your Excellency's letter No. 592/89 of the 27th June[1] on the subject of the relationship between Orissa and the Orissa States, which was a final reply to my letter No. 559 G.O. of the 28th May.[2] I had a general discussion[3] with Corfield on the 30th June and at my request he has sent to me and other Provincial Governors copies of letters regarding the formation of the Indian States Department and the proposed standstill arrangements. The latter do not appear to cover jurisdiction over railway lands and extradition. These are two very important matters and I do hope that they will be tied up before the 15th August. As regards other matters not covered by the standstill arrangement, which I hope will be accepted by the Orissa States among others, we will have to deal directly with the Orissa States. I have had a comprehensive memorandum prepared on the subject, but I do not wish to trouble Your Excellency with it. I shall probably write to Menon in detail on this matter.[4] In this connection, I am very glad to note that the Rulers of Orissa and Chhattisgarh States have decided to join the Constituent Assembly, and also that there is agreement amongst the Rulers on the question of the formation of a Federal Union of Eastern States. I am afraid there is a great deal of trouble in store for the Rulers unless they reform their administrations and agree to introduce a representative or responsible Government. The Socialist Party in Orissa will, I am told, have a good crack in the States if they find that the Rulers are not responsive, and there is a rumour afloat that Mrs Malati Chaudhuri, wife of my Revenue Minister, proposes to resign from the Constituent Assembly and devote herself to work in the States.

[1] and [2] This exchange of letters dealt with the related questions of the retention of the Political Agent for the Orissa States at Sambalpur and the need for administrative arrangements to cover matters of common concern between the Orissa States and the Provincial Government. In an earlier telegram, Sir C. Trivedi had informed Lord Mountbatten that although the Provincial Government had not received official communication, he understood that it had been decided by the Political Department to withdraw the Political Agent for the Orissa States from Sambalpur from 1 July 1947. R/3/1/136: ff 156 and 182–7. R/3/1/137: f 186.

[3] Not traced.

[4] In his letter D.O. No. 725 G.O. of 16 July 1947 to Mr Menon, Sir C. Trivedi discussed the subject of the formula for Standstill Arrangements and questioned whether the following points had been adequately covered in the circular letter of 14 June 1947 to Residents (Vol. XI, No. 198): Jurisdiction over railway lands; Extradition; Boundary Disputes; and Food. At the end of his letter Trivedi commented: 'In this letter I have touched upon matters which appear to be the concern of the Central Government. There are several other matters of Provincial concern which have to be tied up between the States and ourselves. This we hope to do in due course. I took up this matter shortly after I came to Orissa, but the Political Department has up-to-date given me practically no assistance, and it looks as if we shall have to fend for ourselves, though I am sure we can rely on the support of the new States Department'. R/3/1/138: ff 156–9.

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Government of India. Cabinet Secretariat

R/3/1/160: ff 141–6

IMMEDIATE NEW DELHI, *15 July 1947*

SECRET

NO. 145/C.N./47

With reference to this Secretariat memorandum of even number dated the 14th July, 1947, the undersigned is directed to circulate to Honourable Members the following additional item of agenda for the Cabinet meeting called for *10 a.m.* tomorrow, the 16th July:

RECONSTITUTION OF THE CENTRAL GOVERNMENT

(Papers attached)

(H. M. PATEL)
CABINET SECRETARY

Enclosure 1 to No. 116

NOTE BY THE VICEROY

The Indian Independence Bill is likely to receive His Majesty's assent on the 18th July, and I think that Hon'ble Members are aware that it is my intention that the Government should be reconstituted shortly afterwards.

2. This is necessary on practical and administrative grounds. Indeed clause (*e*) of sub-section (1) of section 9 of the Indian Independence Bill was specifically designed to enable this to be done.

3. There are many matters affecting the two new Dominions in respect of which between now and the 15th August I shall require the advice of all those who will be responsible for the future administration of the two Dominions. A case in point is the adaptation to be made of the Government of India Act 1935, which may be done differently for each of the two Dominions. The Act as so adapted will of course become from the 15th August the constitution of each of the two Dominions. The adaptation orders and other similar orders are in the nature of Orders in Council and I consider that, in view of their importance, I should make them on the advice of a Council solely concerned with the territories in question. Also there may be decisions to be taken regarding the N.W.F.P. in the light of the result of the Referendum.

4. For these and other reasons, it is necessary that provisional Governments should be set up at once. These Governments will thus I hope be enabled to take over power on the 15th August with the minimum of dislocation.

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5. I attach a draft communiqué which I propose to issue after assent has been given to the Indian Independence Bill, and an order which I propose to issue at the same time.

6. If the leaders of either of the two major parties wish to suggest any additions to the Government, I shall of course be glad to consider them.

7. I shall also be glad to discuss this paper, and the draft order and communiqué, in Cabinet tomorrow if any Honourable Member wishes to raise any point.

8. I hope the leaders of the two Groups will let me have the names of any additional members they may wish to recommend and their complete proposals for the allocation of portfolios by the 19th morning.

9. It will be seen from the communiqué that officers who have opted to serve in Pakistan will be transferred to the corresponding new Pakistan Departments. Subsequent transfers and postings will not require any reference to me.

Enclosure 2 to No. 116

DRAFT COMMUNIQUÉ ON THE RECONSTITUTION OF GOVERNMENT

In order to facilitate the setting up of the new administration of Pakistan His Excellency the Viceroy has decided with the concurrence of the party leaders that the Interim Government should be reconstituted on the following lines:

The Government will consist of two groups representing the two successor Governments of India and Pakistan.

The two groups will meet separately to consider matters concerning their own territories, and jointly under the chairmanship of the Governor-General to consider matters of common concern.

The existing Departments will be in charge of the Members representing India. The personnel who have chosen to serve in Pakistan will be withdrawn from the existing Departments, and will staff Pakistan departments which will be organised at once in Delhi and will serve the Pakistan members of the Cabinet.

There will thus be what amounts to two provisional Governments, one for India and one for Pakistan, each dealing with its own business and consulting the other on matters of common concern.

Enclosure 3 to No. 116

DRAFT ORDER

In exercise of the powers conferred by sub-section (2) of section 40 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and by paragraph (*e*) of sub-section (1) of section 9 of the

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Indian Independence Act, 1947, the Governor-General is pleased to make the following Order, namely:—

1. (1) This Order may be called the Executive Council (Transitional Provisions) Order, 1947.

(2) It shall come into force at once.

2. (1) In this Order "existing Department" means any Department of the Government of India in existence immediately before the commencement of this Order.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Each existing Department shall be renamed by adding the word "India" in brackets at the end of its former designation and, each such Department shall, as from the commencement of this Order, handle cases exclusively or predominantly concerning the future Dominion of India.

4. As from the commencement of this Order, there shall be created a Department corresponding with each existing Department, and each new Department so created—

(*a*) shall bear the same designation as the existing Department with the addition of the word "Pakistan" in brackets; and

(*b*) shall handle cases exclusively or predominantly concerning the future Dominion of Pakistan.

5. Cases of common concern to the two future Dominions shall be handled in consultation by the appropriate Indian Department and the appropriate Pakistan Department.

6. The Indian and Pakistan Departments shall respectively be in charge of such members of the Executive Council as the Governor-General may nominate in this behalf.

7. (1) For the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of India members of the Executive Council in charge of Pakistan Departments shall not be entitled to attend the meetings of the Council; and for the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of Pakistan, members of the Executive Council in charge of Indian Departments shall not be entitled to attend the meetings of the Council.

(2) Any question as to whether a case exclusively or predominantly concerns the future Dominion of India or Pakistan shall be determined for the purposes of this Order by the Governor-General, whose determination shall be final.

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8. Any provision contained in the Ninth Schedule to the Government of India Act, 1935, or any rules or orders made thereunder shall, to the extent to which it is inconsistent with the provisions of this Order, cease to have effect.

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The Earl of Listowel to Mr Attlee

L/P&J/10/127: ff 97–9

SECRET INDIA OFFICE, *15 July 1947*

Secretary of State's Minute: Serial No. 125/47

Prime Minister,

I attach a telegram[1] from the Viceroy in which he says that Jinnah wishes the adaptation of the 1935 Act in respect of Pakistan to be based on the 9th Schedule i.e. the provisions under which the Executive Council Government at the Centre is set up. I attach a draft reply[2] to this telegram for your consideration.

2. The Viceroy urged us during the drafting of the Bill to do it on the basis that the existing Government of India Act would remain in force in each of the two Dominions. It is as a result of this that Mr. Jinnah is able to do what he now proposes to do. If an accusation is made that we are helping to set up a dictatorship, the answer is that the Constituent Assembly of Pakistan is vested with sovereign legislative powers and can rescind orders of the Governor-General and also make a new Constitution. In practice, however, in view of the dictatorial position which Mr. Jinnah holds in the Muslim League the Pakistan Constituent Assembly is likely to be docile and it may be that Mr. Jinnah will be able to establish himself as a virtual dictator instead of being constitutional Governor-General of the kind customary in British Dominions. This will be an embarrassing situation but it is one which can only come into being if the Pakistan Constituent Assembly so desires and, if that is the position, it is likely to arise in any event.

3. The only alternative to the line taken in the reply would be to amend the Bill to require that adaptation of the Government of India Act should be based on part II of the Act and not on the 9th Schedule. This would, however, be a substantial modification of the Bill and we should have to explain why we were doing it. It could only be done in the Lords and then at very short notice and probably at the cost of re-arranging the Parliamentary programme. There is

[1] No. 86.

[2] See No. 122 for the reply as issued with an amendment suggested by the Prime Minister.

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not time to take the matter to the India and Burma Committee as the Lords are taking second reading and all other stages tomorrow afternoon.

LISTOWEL

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Chiefs of Staff Committee. Joint Planning Staff. Paper J.P.(47)89 (Final)

L/P&S/13/1851: ff 69–72

HYDERABAD—PROVISION OF AIR FORCES

REPORT BY THE JOINT PLANNING STAFF

TOP SECRET MINISTRY OF DEFENCE, *15 July 1947*

In anticipation of instructions we have examined a memorandum[1] by Air Chief Marshal Sir Christopher Courtney on the question of the provision of British aircraft and personnel for a Hyderabad State Air Force.

2. Sir Christopher Courtney states that he was approached privately to ascertain whether he would be prepared to advise the Hyderabad State on the subject of raising an Air Force. This request led to an interview with the self-styled Agent-General (who is in fact a Trade Commissioner) for Hyderabad who told him that since Hyderabad had elected to remain an independent state, they wished to increase their armed forces, and particularly to raise an Air Force. They realised that it would be necessary to employ foreign personnel for some years until Hyderabad personnel had been trained. The Agent-General said that his Government would naturally wish their Air Force to be organised on a British basis and that the aircraft and foreign personnel should come from British sources. If the necessary advice and assistance could not be obtained from us they would have to approach the Americans.[2]

3. Subsequently, the India Office told Sir Christopher Courtney that it would be most embarrassing to them if he were to visit Hyderabad in the near future. This was because of the delicate situation which had arisen over the future sovereignty of Berar, which is claimed by both Hindustan and Hyderabad.

4. Finally, Sir Christopher Courtney says that there may well be more than one view on the whole question and that it may not be in the best interests of H.M. Government that a chance of retaining a strong foothold in the largest Indian State should be discarded.

Relations with Indian States

6. [5] The present position is that when we hand over power to India and

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Pakistan the Indian States will cease to be part of the Empire. H.M.G. do not, however, propose at this stage to recognise them as separate international entities as we hope that they will enter into a federal treaty relationship with either India or Pakistan.

7. [6] From the political point of view, therefore, it would be undesirable to take any action which might lead to the "Balkanisation" of India or which might encourage the Indian States to feel that they can stand on their own. We understand that the United States Government is in agreement with this general policy.

8. [7] From the military point of view our primary aim remains to get satisfaction for our long term strategic requirements from India and Pakistan. Military agreements with the Indian States are of little account in comparison with this and if in attempting to negotiate them we made it harder to achieve our primary aim it would clearly be better to avoid any entanglements with the Indian States at the present stage.

We are advised that an attempt to establish military connections with the Indian States would be resented by India and might be followed by revolutions in the States, provoked by Congress, which would render any agreements we made of no value.

To that extent, therefore, military policy should in our view go hand in hand with the political policy outlined in the two paragraphs above.

9. [8] There remains the possibility, however, that we may fail to get our long term strategic requirements out of either India or Pakistan. In those circumstances there would be advantage in having military agreements with the Indian States. They would provide valuable assets in the form of man-power, industry and raw materials. For example, the population of Mysore is seven million; Travancore is the most important source of the supply of thorium and the eastern States produce sixty per cent. of the iron ore of the Indian continent. Given fly-over rights in other parts of India we should gain some advantage by having air transit rights in the Indian States.

Moreover, it is in our interests that British training and equipment should be standardised throughout the Indian Continent and that the Indian States should

[1] Not printed.

[2] In a letter dated 17 June 1947 to Lord Ismay, Sir D. Monteath explained in more detail the circumstances surrounding Sir Christopher Courtney's contacts with Nawab Mir Nawaz Jung, the Agent-General in question. Courtney sought Monteath's advice before giving his reply to the Nawab. Monteath urged Courtney to be cautious upon the grounds that his acceptance of the offer to raise an Air Force in Hyderabad would be construed by the Indian Press as evidence that H.M.G. had no intention of relinquishing its hold on India. When consulted, Lord Listowel agreed with Monteath and Courtney was finally advised to reply to the effect that he could not go out to Hyderabad immediately and that he would therefore prefer to leave the matter over for three or four months. He was not, however, advised to deliver a flat refusal for fear that it might provoke the Nizam to approach the Americans. L/P&S/13/1851: ff 78–80.

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therefore in no circumstances turn to a foreign power, not excluding the United States of America, for military assistance.

10. [9] Against this there is the disadvantage that most of the Indian States have no seaboard and any military agreement we made with them might be difficult to implement if India opposed the passage of men and material.

Aid to Hyderabad

11. [10] In the light of the above general consideration of the question of relations with the Indian States, it is clear that in the particular instance of Hyderabad we should not in present circumstances become in any way openly involved in military negotiations with her. It follows that it is undesirable for an officer of the standing of Sir Christopher Courtney to assist the Nizam since it would inevitably be assumed that H.M.G. were giving countenance and support to the project. On the other hand, it would hardly be possible in peacetime to prevent the Nizam from obtaining advice and assistance, e.g. from less senior ex-R.A.F. Officers, or, if difficulties of transit through Indian territory could be overcome, from purchasing aircraft and other war material.

12. [11] On the other hand, if we failed to get agreements with India and Pakistan then there would be some advantages from an agreement with Hyderabad. She could provide man-power, limited economic aid and, given fly-over rights in India, air transit facilities. Moreover, other Indian States might be encouraged to follow her lead in seeking our assistance.

Conclusions

13. [12] We conclude that

(*a*) It would be contrary to our long term strategic aims to attempt to conclude military agreements with the Indian States so long as there is a chance of obtaining our defence requirements from Pakistan and India.

(*b*) If we failed to get agreements with Pakistan and India there would be some advantage in concluding military agreements with the Indian States and it is therefore undesirable from the military point of view to close the door on this possibility at the present stage.

(*c*) It would be contrary to the above policy for Sir Christopher Courtney to enter into any negotiations with the Nizam of Hyderabad. On the other hand, no positive obstacle should be put in the way of the Nizam if he continued to seek unofficial advice and assistance from British sources.

(*d*) It would be undesirable for the Indian States to turn to a foreign power,

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not excluding U.S.A., for military assistance; and the U.S. Government, should therefore be made aware of H.M.G's. policy.

Recommendations

14. [13] We recommend that if this policy is approved:—

(*a*) The Chief of the Air Staff should be invited to inform Sir Christopher Courtney of the conclusions in this paper.

(*b*) The Chiefs of Staff should inform the India and Burma Committee through the Minister of Defence of the conclusions reached on the general question of military assistance to the Indian States.[3]

J. F. STEVENS
J. H. N. POETT
J. H. EDWARDES-JONES

[3] The Chiefs of Staff discussed this report with Lord Ismay at their meeting on 16 July and agreed with the conclusions and recommendations in paras. 13 and 14 except that they considered no action was necessary in regard to para. 13(d) and 14(b). C.O.S.(47) 88th Meeting, Minute 6. L/WS/1/1123.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/F/7/2870: f 172

IMPORTANT INDIA OFFICE, *15 July 1947, 5.00 pm*
Received: 15 July, 11.45 pm

No. 9090. Following from Prime Minister. Your telegram of 7th July No. 1794-S.[1]

You may assure Nehru that we are approaching this important matter sympathetically and with every intention of doing all that we can within the limits set by our own increasingly grave difficulties to assist in meeting India's immediate necessities.

2. For your own information we do not at present believe that statistical position is necessarily as gloomy as your message suggests, but examination of figures in concert with Indian Delegation has only just begun.

[1] In tel. 1794-S of 7 July Lord Mountbatten explained that he had been asked by Pandit Nehru to remind H.M.G. of India's difficult foreign exchange position. The estimated balance of payments deficit for the half year July-December 1947 stood at 81 crores and the three means by which this deficit could be financed—advances from the IMF, export of the Reserve Bank's holdings of gold and a long-term loan from the International Bank or from a foreign country—were considered unsuitable. It was therefore important that H.M.G. should agree to a sterling balance release of £40–45 million during the negotiations that were about to start in London (see Vol. XI, No. 39, note 10). Mountbatten concluded: 'I am sure you will do your utmost to see that those who negotiate on behalf of H.M. Government appreciate the immense political importance of reaching a settlement which is fair to India at a critical time, and which will increase the goodwill that we are all working so hard to build up'. Mountbatten Papers, Official Correspondence Files: Finance (India).

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/S &G/7/1387: f 73

IMMEDIATE INDIA OFFICE, *15 July 1947, 18.45 pm*

No. 9107. We have decided that a separate High Commissioner for the United Kingdom should be appointed to Pakistan as from the date of transfer of power. This decision accords, as I am aware, with your own view. Sir Laurence Grafftey-Smith, lately H.M. Minister at Jedda, has been selected as first incumbent.

2. In the circumstances we think that it would be desirable to ascertain informally from Jinnah that proposed appointment is acceptable to him. He could at same time be told that it is proposed that Shone should remain as High Commissioner in India (i.e. Hindustan) after partition.

3. We also think it desirable to tell Nehru that Shone will remain as High Comissioner in India and that Grafftey-Smith is being appointed to Pakistan.

4. We should be glad if you could arrange for Indian Leaders to be approached accordingly.[1] (We feel that this approach should be made as from yourself and not, repeat not, by Shone.) We regard it as important that very early Press announcement should be made here and should be grateful if you could let us know as soon as way is clear for this. Arrangements have been made for Grafftey-Smith to leave by air on 22nd July for Delhi so that he may have opportunity of picking up threads before assuming his post. Between arrival and Aug. 15, he will be in position of High Commissioner designate in Pakistan and not, repeat not, holding any appointment in Shone's organisation.

5. Please give copy of this telegram to High Commissioner.

[1] In tel. No. 2004-S of 16 July Lord Mountbatten replied that Mr Jinnah had agreed to the appointment of Sir L. Grafftey-Smith as High Commissioner in Pakistan. He also explained that he had informed Pandit Nehru that Sir T. Shone would remain as High Commissioner in India and that Grafftey-Smith was being appointed in Pakistan. L/S &G/7/1387: f 64.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/157: f 169

IMMEDIATE NEW DELHI, *15 July 1947, 11.00 pm*
SECRET *Received: 15 July, 11.30 pm*

No. 1979–S. Jinnah and Liaquat came to see me this morning[1] to protest violently against a statement printed in today's *Statesman* alleged to have been made by Henderson in the debate,[2] in which he explained the terms of reference of the Boundary Commission. The particular statement they objected to was his explanation of other factors, which read as follows: "These special factors were being allowed to take account of the circumstances of the Sikh community in the Punjab so that the location of their religious shrines could be taken into account".

They considered that such a statement by the Under-Secretary of State just as the Boundary Commission is about to sit will give the Sikhs an opportunity to introduce a specific meaning to other factors which the Partition Council was careful to refrain from giving.

I told Jinnah that I would send a copy of this protest to Radcliffe so that he may know that they do not accept Henderson's views. I am therefore sending a copy of this telegram to Radcliffe and also to Jinnah.

[1] There is no reference to a discussion of this issue in the record of Lord Mountbatten's interview with Mr Jinnah and Mr Liaquat Ali Khan on 15 July (see No. 112).

[2] *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, col. 74. For the actual text of what Mr A. Henderson said, see No. 144.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/127: f 95

IMMEDIATE INDIA OFFICE, *15 July 1947, 7.50 pm*
SECRET *Received: 16 July, 6.00 am*

No. 9108.[1] Your telegram 1926–S.[2] The Bill (Clause 8) says that until other provision is made by Constituent Assembly each of the new Dominions shall be governed as nearly as may be in accordance with Government of India Act. Jinnah is therefore perfectly entitled to proceed under 9th Schedule and as he can do what he pleases by Order on the 16th August, it would seem useless to

[1] The number of this telegram has been taken from the recipient's copy on Mountbatten Papers, Official Correspondence Files: Interim Government of India, Part (2).

[2] No. 86.

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resist his wishes in regard to adaptation now. I consider, however, that it would be right and proper to exclude in adaptation Governor-General's power to override his Council under 9th Schedule on ground that this was part of machinery of British control.

2. As regards your paragraphs 6 and 7, therefore, we consider that you should prepare Adaptation Order in form desired by Jinnah but excluding over-riding power of Governor-General whatever his wishes on this point may be. If it is necessary on administrative grounds that this Order be issued before 15th August we consider that it should be issued with a statement that it is in the form desired by Muslim League. Otherwise we consider that it should be prepared in readiness and left to be promulgated by Jinnah upon his appointment.

3. It would be inadvisable to make this order until after the Bill has been passed.[3]

[3] Mr Attlee had approved Lord Listowel's original draft of this telegram (See No. 117 and its note 2) subject to the insertion of the sentence in paragraph 3. It replaced the following sentence which had been included in Listowel's draft: 'Disclosure of this situation might well cause embarrassment in Parliament and every endeavour should be made to keep it secret until the Bill has passed.' L/P &J/10/127: ff 96 and 102–3.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/102: ff 6–7

IMMEDIATE INDIA OFFICE, *15 July 1947, 8.20 pm*
SECRET *Received: 16 July, 6.00 am*

No. 9109. Your telegram No. 1805–S of 8th July.[1] You will see from Political Adviser's comments on your telegram No. 1850–S of 9th July,[2] with which I agree generally, that Rau's fears are exaggerated.

2. We are doubtful whether amendment of existing proviso to Clause 7(1) suggested by Rau carries out his purpose because "parties referred to therein" are the Crown on one side and the States on the other, and the new Dominions would not succeed to the rights of the Crown without the States' consent even if these were preserved. But apart from this the amendment would be directly contrary to Cabinet Mission's memorandum of 12th May 1946.[3]

3. Additional proviso which he suggests seems also undesirable. We understand there are good prospects that it will be through Confederation of States in Kathiawar and Gujerat that petty States there will have their contacts with British India. Nothing would more effectively prejudice this recently formed Confederation than intrusion of British Indian jurisdiction into the small

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attached States situated there. It seems preferable to leave attaching States to deal with problem of jurisdiction in attached States after transfer of power in their own way.

4. Krishna Menon called on Prime Minister on 14th July to urge these amendments. Prime Minister explained position to him on above lines. Menon also:—

(*a*) suggested that Clause 7 voids agreements setting up States of Mysore and Benares and was told that these agreements conferred sovereignty on Rulers of these States and Parliament could not deprive them of that sovereignty by legislation;

(*b*) pressed proposal mentioned in your paragraph 4. He explained that its significance is that there may be rights now exercised in States by British India obtained otherwise than through paramountcy which would be saved by the amendment. Prime Minister replied that we do not believe this to be correct and that amendment was therefore pointless. He added that if it were correct (i) amendment would be very difficult to justify to Parliament and (ii) consequence of amendment could be evaded by States terminating any relations or arrangements invoked under it.

[1] The date of this telegram should be 7 July; see Vol. XI, No. 559.
[2] No. 30. [3] Vol. VII, No. 262.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/82: f 59

IMMEDIATE NEW DELHI, *15 July 1947, 11.30 pm*
SECRET *Received: 15 July, 10.45 pm*

No. 1983-S. I have discussed your 8841 of July 9th[1] with Auchinleck.

2. I propose to inform Indian Leaders at Partition Council meeting in the near future of your conception of role of British Forces after transfer of power.

3. Auchinleck submits, and I agree, that a statement should be made publicly to the effect that British Forces will not be used operationally and will not be available to intervene in internal disorder after August 15th.[2] He stresses the point that British and European civilians should have this information, and that, as the Press are already asking [about] their role, to withhold information is to invite suspicion. May I therefore have your permission to make such a statement?

[1] No. 50. [2] cf. *ibid.*, note 3.

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4. Auchinleck is definitely of the opinion that families should move with the units concerned. Separation of families is never satisfactory, and there seems no reason why troops should not be accompanied by them. To send families ahead leads to many problems of accommodation at destination, and is an unnecessary inconvenience. He has been planning on the assumption that families will accompany units.

5. I will inform Indian Leaders at next Partition Council meeting of your views on the retention of R.A.F. transport squadrons. Owing to shortage of aircrews, which I understand cannot be made good, I suggest that one of the three squadrons should be given up and that the deficiencies in the other two should be made good thereby. It is unlikely that the Indian Leaders would agree to having two Dakota transport squadrons in Pakistan and only one Communication Squadron in India. I therefore suggest that one of these squadrons should be transferred to India's territory.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/7/12596: f 20

IMPORTANT NEW DELHI, *16 July 1947, 00.25 am*
CONFIDENTIAL *Received: 15 July, 10.00 pm*

No. 1980–S. I discussed with Mr Jinnah whether he wished me to put his name forward for customary honour for a Governor-General which I suggested would be a G.C.M.G.[1] He was immensely tickled with the idea and obviously wanted to accept but said he would have to discuss it with his Working Committee. He returned very crestfallen the next day to say that they would not allow him to accept in view of Moslem League resolution last year rejecting British Honours,[2] which was made in consequence apparently of a similar rejection by Congress.

2. He expressed hope, however, that whole question of British Honours for Pakistan might be reconsidered at an appropriate stage when atmosphere had become more cordial, when he would gladly accept provided there were sufficient other names from Pakistan in same list. He asked me that this should be kept extremely secret. I promised that this would be done.

3. It has been suggested that he might like to receive a Privy Councillorship on August 15th, which does not really come in same category but which might in view of his predilection for British judicial system, tickle his fancy and be-

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come thin end of the wedge. Mieville informs me that it is quite customary for Governors-General of Dominions to be made Privy Councillors?

May I offer him this?

[1] cf. Vol. XI, No. 533, para. 3. [2] See No. 82.

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Secretary of State to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/4197: f 31

IMPORTANT INDIA OFFICE, *16 July 1947, 00.30 am*

No. 9106. Your telegram 5350/10/7.[1] Lhasa Mission.

2. H.M.G. agree that appropriate time for defining their position will be as you suggest. They would be grateful if Richardson could be instructed to inform Tibetan Government at time agreed that, notwithstanding the constitution of the two Dominions of India and Pakistan on 15th August, H.M.G. in the U.K. will continue to take a friendly interest in the future prosperity of the Tibetan people and in the maintenance of Tibetan autonomy. They accordingly hope that the Tibetan Government will agree to a resumption of present friendly contacts, for which they would wish to provide by arranging for visits to Lhasa to be paid from time to time by U.K. High Commissioner in New Delhi or members of his staff.

3. Richardson might add, if the Government of India concur, that H.M.G. trust that after 15th August the close and cordial relations which have existed for so many years with themselves and the Government of India will continue with the successor Indian Government(s) upon whom alone, as he will have explained, the rights and obligations arising from the existing Treaty provisions will thereafter devolve.

4. H.M.G. would be grateful if suitable expressions of goodwill and continued interest could be conveyed on their behalf to Bhutan Government in similar terms *mutatis mutandis* without reference to autonomy in whatever

[1] No. 59.

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manner Government of India think most appropriate in the circumstances.[2]

5. Please pass copy to U.K. High Commissioner.

[2] The Government of India, E.A. &C.R. Dept, duly instructed the Political Officer in Sikkim to arrange for messages in the above terms to be communicated to the Governments of Tibet and Bhutan. In addition, they directed that the Government of Tibet should be informed that the Mission there would from 15 August 'become Indian Mission representing Dominion of India only', and should be given the message contained in G/I tel. 5350 of 10 July. The Government of Bhutan was to be informed that the Government of India were prepared to assume the obligations of H.M.G. under existing engagements with Bhutan and trusted that, until either party wished to make fresh arrangements, the Bhutan Government would also continue to abide by them. On 11 August, in a letter to the Political Officer, Sikkim, the Government of Bhutan agreed to abide by existing arrangements but gave notice that they wished, 'with all convenient speed after August 15th, to enter into negotiations with the Government of India in regard to fresh arrangements in the future'. G/I. E.A. &C.R. Dept, to Political Officer Sikkim, tels 73 and 74 of 23 July, L/P &S/12/4197: ff 29 and 30. Agent to the Government of Bhutan to Political Officer, Sikkim, letter 131 of 11 August. L/P &S/12/2226: f 5.

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Meeting of the Indian Cabinet. Case No. 180/35/47

R/3/1/160: ff 150–2

SECRET

Those present at this Meeting held on 16 July 1947 at 10.00 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Mr Chundrigar, Dr Rajendra Prasad, Mr Nishtar, Maulana A. K. Azad, Mr Rajagopalachari, Dr Matthai, Sardar Baldev Singh, Mr Mandal; Sir G. Abell, Mr H. M. Patel, Mr Osman Ali (Secretariat)

Case No. 180/35/47. Reconstitution of Central Government.[1]

His Excellency said that he thought it would be proper that the two new Dominions should each have their own Governments immediately after the India Independence Bill became law on the 18th of this month. It was important that this should be done so that the two future Dominion Governments could advise him regarding the manner in which they desired the existing Government of India Act to be modified to suit their respective requirements. It would also be advantageous for the Pakistan Government because they could commence functioning with the officers who had elected to serve in Pakistan and thus be in position to effect a smooth move to Karachi by the 15th of August. The arrangement he proposed was perhaps a clumsy one but it was intended to cover only the final transition period of a month, or rather two weeks, because it would take the Pakistan Government at least two weeks to shift to Karachi. And even in this short period, most of the business of the two governments would in any case be concerned chiefly with partition work. He thought it might be possible for each of the two parties to carry on with their existing

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members, redistributing the portfolios wherever necessary. If, however, the leaders wished to suggest the names of any additional members,[2] he hoped they would let him have them well in advance of the 19th.

Continuing, His Excellency explained that decisions at joint meetings of the two groups representing the successor governments would not be taken by a majority vote. If the subject in question was likely to affect either of the future Governments' freedom of action, he would refer it to the Partition Council. It was not his intention, however, to call such a joint meeting. The provision, however, was necessary, for there might always crop up some emergent matters which might necessitate such a joint meeting.

In the course of subsequent discussion, the following suggestions were made—

(*a*) the words 'Indian departments' should be replaced by the words 'India Departments' wherever they occurred in the draft order.

(*b*) the date from which the order was to take effect should be inserted in the order and the communiqué.

(*c*) any order of some importance on policy and such matters passed by either group should be communicated to the other.

(*d*) paragraph 4 in the draft communiqué might be reworded as follows to make for greater clarity:—

"The personnel who have chosen to serve in the Pakistan Government will be withdrawn from the existing departments and will staff the Pakistan departments which will be organised at once in Delhi and will be in charge of Members of the Pakistan Cabinet. The remaining personnel will staff India Departments which will be in charge of Members of the India Cabinet."

It was agreed that the suggestions at (*a*), (*b*) and (*c*) above should be adopted. As regards (*d*) above, His Excellency said he would consider amending paragraph 4 of the draft communiqué if the Hon'ble the Finance Member would give him a draft showing the lines on which he desired it to be reworded.[3] The Press Communiqué would be issued on the morning of the 19th on the assum-

[1] See No. 116. [2] See No. 110, note 5.

[3] In a minute dated 16 July 1947 and subsequently approved by Lord Mountbatten, Sir G. Abell explained that, after discussion with Mr Liaquat Ali Khan, paragraph 4 of the draft communiqué had been amended as follows: 'The personnel who have chosen to serve in Pakistan will be withdrawn from the existing Departments and will staff Pakistan Departments which will be organised at once in Delhi and will be *in charge of* the Pakistan Members of the Cabinet. The remaining personnel will staff the existing Departments, which will be in charge of the India Members of the Government.' (emphasis in original) According to Liaquat, the change in the first sentence was necessary to avoid giving the impression that portfolios were being taken away from the Muslim League and left with the Congress group. The last sentence of the revised paragraph had been drafted by Abell and accepted by Liaquat as a compromise. R/3/1/160: f 140.

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tion that the Royal assent to the India Independence Bill was received on the 18th.[4]

His Excellency said that his intention was that officers who had opted to serve in Pakistan would automatically be transferred to Pakistan Departments. After that, however, both governments would have the liberty to make internal transfers in their own departments. In the case of the India Government departments this would be subject to the decision already taken by the Cabinet in circulation that no fresh appointments would be made for a period of 3 months save in exceptional circumstances.

The 'standstill' agreement would also come to an end as from that date, the arrangement requiring Secretaries to send decisions to P.S.V. being replaced by the undertaking that the respective India and Pakistan Secretaries would show each other the more important of the decisions they take, and the decisions which in some way concern both areas.[5]

His Excellency said that additional Members of either government, if any, would be sworn in on the 19th. He would ask his legal adviser, Sir George Spence, to examine the question whether the existing Members should also be sworn in afresh on that date.[6]

[4] In his secret letter No. 1446/36 of 16 July, Sir G. Abell informed Mr Menon of the amendments (including the amended version of paragraph 4) which had been made to the draft communiqué and stated that Menon would presumably be publishing the Order in a Gazette Extraordinary. *Ibid.*, f 153.

[5] In his secret letter No. 1446/36 dated 16 July 1947, Sir G. Abell asked Mr Patel for confirmation that he would take the necessary action in this respect after the communiqué and Order had been issued. Patel replied on 17 July that he would take the necessary action. R/3/1/160: ff 154 and 164.

[6] In his secret letter No. 1446/36 dated 16 July 1947, Sir G. Abell asked Sir G. Spence whether, if new members of either government were appointed, they could take the same oath as already prescribed. In his letter dated 17 July to Mr Patel, Abell stated that Spence had confirmed this point. R/3/1/160: ff 155 and 171.

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Sir G. Abell to Mr Harris

Telegram, R/3/1/160: f 149

IMMEDIATE NEW DELHI, *16 July 1947, 11.45 am*
SECRET *Received: 16 July, 1.00 pm*

No. 1985-S. Your 9088 of 15th July.[1] Reconstitution of Government. Viceroy understands that intention of Congress Group is not to introduce any new members of Cabinet but simply to double up portfolios. Both groups are however being asked if they wish to recommend appointment of further members and if recommendations are received a telegram will of course be sent asking for the King's approval. Matter is being put up to Cabinet today.[2]

[1] No. 110, note 5.

[2] See No. 127. This telegram was evidently drafted before the Cabinet meeting took place.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/94: f 30

BHANGI COLONY, NEW DELHI, *16 July 1947*

Dear Friend,

I had a long talk with Panditji about Kashmir.[1] He is firmly of opinion that I should go in any case, not minding if Qaid-e-Azam Jinnah or his deputy goes after my visit. He thinks and I agree that if now my visit is postponed, it will disappoint many persons in Kashmir. That I may not be allowed to see Sheikh Abdulla Sahib should not affect the contemplated visit one way or the other. In the circumstances, I suggest that you should telegraph to the Maharaja Saheb that as my visit would not mean any speeches or public meetings, it should not cause any embarrassment to the State and that I should go to Kashmir at the earliest possible moment.

As I have said to you my suggestion is subject to your wish not to interfere with Panditji's wishes in the matter. If for any reason you wish otherwise, I would not go.

If I go I would go as a private visitor. Hence I would not think of putting the the Maharaja Saheb to any trouble on my account. Friends would make arrangements for my stay.

Finally I should add that if for any reason, I do not go to Kashmir, most probably Panditji would want to go for two or three days, though he would prefer my going.

Yours sincerely,
M. K. GANDHI

[1] See No. 78.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/165: ff 16–19

SECRET GOVERNMENT HOUSE, PESHAWAR, *16 July 1947*

D.O. NO. GH–127

Dear Lord Mountbatten,

Reference my signal CA–145 dated 15th July 1947.[1]

I attach my report[2] on my talk with Khan Abdul Ghaffar Khan and Dr.

[1] Giving advance notice of the proposal for Abdul Ghaffar Khan to go to Delhi to meet Mr Jinnah so that, if Lord Mountbatten thought fit, Jinnah could be informed 'with a view to delaying any decisions on future set up of government [of] this province until Abdul Ghaffar's proposals considered.' R/3/1/165: f 15.

[2] See Enclosure.

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Khan Sahib on 14th July. It is in telegraphic form because I drafted it as a telegram. I then heard that an officer was going to Delhi by air and so decided that a possible few hours delay would not matter and that it would be best to send it by hand.

2. It may be that I have been led up the garden path, and all that the Congress Party want is to remain in power and are prepared to do anything to do so. It may be that they are trying to postpone any decision to dismiss them after the Referendum, or are seeking to find some excuse for not resigning then.

However, I believe that slight though the modifications in Abdul Ghaffar Khan's demands are they might not be totally unacceptable, and I am sure that if the two parties can be brought to any sort of agreement it will be a great help for the future. I believe too that the Congress Party may be seriously seeking a compromise: there was a report which I saw last night that Abdul Ghaffar Khan was trying to find a way to one through the Pir of Manki.

I have only a very slight hope that I may be right. I do not like the campaign of vilification of the conduct of the Referendum which has been started. Dr. Khan Sahib himself only yesterday made the most sweeping accusations against the officials connected with it. They are a most illogical and prejudiced lot of men, and I mistrust the motives at the back of this campaign. Nevertheless I feel that any step which may lead to a peaceful solution is worth trying.

Yours sincerely,

R. M. M. LOCKHART

Enclosure to No. 130

SECRET AND PERSONAL PESHAWAR, *16 July 1947*

NO. GH-125

First Khan Abdul Ghaffar Khan and Dr. Khan Sahib came to tea on 14th. Afterwards I had discussion with them lasting about three-quarters hour.

Second I started by saying I had not invited Abdul Ghaffar Khan to talk politics, but with object of meeting him. I felt however that all three of us had welfare of Province as our first interest, and wished above all for peaceful solution to its present troubles. I was most anxious to know what the position would be on August 15th and line their (Congress) Party proposed to adopt. I would therefore be very grateful if they would tell me what was in their minds about future.

Third Abdul Ghaffar Khan, who throughout was amiable, spoke at some length, very quietly and mostly in Urdu. He stressed his desire for peace and his horror of present bad relations between Muslims of opposing parties in the Province. He assured me that he would do nothing to encourage any violence or ill-feeling, in fact he would do everything in his power to prevent them.

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Fourth He then referred without rancour to his failure to secure Jinnah's agreement to what he said were his three main points, namely:

(*a*) complete provincial autonomy;

(*b*) the right to admission to the N.W.F.P. of contiguous territories inhabited by Pathans (By this he meant areas such as Baluchistan, Tribal Territory and parts of Western Punjab on banks of Indus);

(*c*) to the Province's right to secede from Pakistan if it so desired.

Fifth We all three then discussed these points. Discussion remained quiet and amicable. It ended in my asking Abdul Ghaffar Khan if he would be willing to meet Jinnah again. He said he would.

Sixth I then suggested that he should modify his demands on Jinnah. After some discussion he agreed that he would be willing to negotiate with Mr. Jinnah on the following terms and if Jinnah agreed to them his party would accept Pakistan:

(*a*) Complete provincial autonomy for the Province in all matters except
  (i) Defence,
  (ii) External Affairs,
  (iii) Communications.

(*b*) the right of any party to move for the secession of the Province from the Dominion in the same way that a Dominion has the right to secede from the Commonwealth should it so desire.

(*c*) That it is open to areas contiguous to the Province which are included in the present boundaries of British India and are inhabited by Pathans to ask to become part of the N.W.F.P., and if they do to be included in it.

Seventh If Jinnah is willing to negotiate on these terms Khan Abdul Ghaffar Khan is willing to fly to Delhi at once. He would like to take with him Qazi Ataullah Khan, Revenue Minister, and two attendants.

Eighth I then asked what they saw happening if Jinnah agreed to these terms. The answer was that one solution would be that the present Ministry would continue until a general election under the new Constitution had been held. In reply to my query they agreed that it would be desirable to include at any rate one Muslim League Minister in the Ministry. Abdul Ghaffar Khan said that he had himself suggested this previously.

Ninth Although I am dubious of Jinnah's reactions to eight above I see possibility of peaceful settlement, at least for a time, if Jinnah and Abdul Ghaffar could meet again and reach some agreement on lines of proposals now made. I hope Your Excellency also will agree that meeting is worthwhile and persuade Jinnah to agree to it.

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Tenth I would add that in informal talk with Ministers 14th morning Qazi Ataullah, Revenue Minister, said that what their party resented was being thrown to Pakistan. What they would like would be for the Province to remain excluded from Pakistan and be governed under Government of India Act 1935 until they had been able to consider the new Pakistan Constitution. After such consideration they would be in a position to negotiate with Pakistan the terms on which they would enter it. It was being compelled to join Pakistan unconditionally that they disliked. The referendum was not fair as it was impracticable to join Hindustan, and unjust to be forced into Pakistan when they could not influence in the Pakistan Constituent Assembly (where they would have only three representatives out of 42) the terms of their inclusion.

Eleventh I realise that Qazi's views amount to non-acceptance of H.M.G.'s plan, but I mention it to show way some Congress Party's minds are working. It indicates risk of civil disobedience campaign if Congress cannot be brought to accept Pakistan on some basis of agreement.

Twelfth I would also add that Congress leaders may now be affected by anxiety about their personal safety under Pakistan. Some Muslim League leaders have made wild statements about anyone opposing Pakistan being "Kafirs" and also about hanging traitors.

Thirteenth I urge therefore that Jinnah should meet Abdul Ghaffar and Qazi and negotiate on points in eight above, and also if agreement on these is reached on possibility of forming a coalition Ministry to carry on until a general election.

Fourteenth If you agree and Jinnah is willing could special aircraft be made available urgently.

Fifteenth Dr. Khan Sahib has seen and agreed paras above.

Sixteenth There are indications that Congress Party are starting campaign to show that referendum has not been properly conducted. Their criticisms are that there have been many bogus votes and officials have not been impartial. We shall no doubt be able to refute these accusations, but I regard campaign as indication that Congress Ministry are out to justify refusal to resign on result of referendum.

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Mr Abbott to Sir G. Abell

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)

CONFIDENTIAL GOVERNMENT HOUSE, LAHORE, *16 July 1947*

D.O NO. G.S.438

My dear Abell,

H.E. the Governor asks me to write to you in connection with his two letters of the 13th July, Nos. 695 and 696,[1] which dealt with a dispute in the Partition Committee here about certain adjustments pending the decision of the Boundary Commission. In the latter (and Secret) letter H.E. dealt with the various possibilities arising from the possible dates on which the Boundary Commission's award would be announced. H.E. has asked me to make a special request for as much advance intimation not only of the date of the award but also of its contents as can be given. Whatever the date and whatever Government will be in power when the award is announced, it will be necessary to take precautions, especially in those districts which are likely to be affected, particularly those in the Central Punjab.

Yours sincerely,

S. E. ABBOTT

[1] Nos. 89 and 90.

132

H.M. Minister Kabul to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/1812: f 278

IMMEDIATE KABUL, *16 July 1947, 3.40 pm*

Received: 17 July, 10.45 pm

No. 64. My immediately preceding telegram[1] and Katodon No. 62.[2] I had long talk with Afghan Prime Minister yesterday and tried to convince him of unwisdom of Afghan Press and Radio campaign especially the latter. Prime Minister reiterated that their interest in Afghans of North West Frontier Province was natural and not unfriendly to us but that they had been compelled to allow young Afghan element certain latitude. He was however extremely

[1] Not printed. [2] Not printed but see No. 142, note 1.

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reasonable and promised to take my advice and order immediate discontinuance of radio and moderation of Press campaign.[3] He was also worried about the future of tribal areas especially in view of the clause in Indian Independence Act annulling existing agreements.

2. Assuming that North West Frontier Province referendum goes in favour of Pakistan I urged H.R.H. to see Mr Jinnah in Delhi and discuss with him both possibility of issuing such announcement regarding autonomy of North West Frontier Province within Pakistan orbit as would satisfy Afghan opinion and also any steps which might be possible to ensure co-operation between Afghanistan and Pakistan in settling future of tribal areas so that tribes should not be tempted to play off one side against the other. It has been suggested that North West Frontier Province should be renamed Pathanistan.

3. Perceptibly Mahmud had originally intended going to Karachi via Lahore but readily agreed to change his plans. He further suggested that it might be useful if his Government could later send a special emissary to Mr Jinnah or could receive a Pakistan representative in Kabul to discuss all matters of mutual interest. Afghan pride has rightly or wrongly been very hurt at Government of India's refusal to receive their proposed mission. I hope I have not exceeded my authority in encouraging Prime Minister to visit Delhi but provided always that he maintains his present reasonable attitude this seems to me to offer greatest hope for satisfactory settlement. It inevitably involves withdrawal by Afghanistan but enables this to be done without too much loss of face. It might also be of help to new Pakistan if Mr Jinnah sees Afghan Prime Minister personally. If H.E. the Viceroy could also see him and perhaps show some hospitality I feel confident that it should be possible to bring Afghanistan and Pakistan together in fruitful co-operation.

Repeated to Secretary of State and North West Frontier Province (copy by post to Baluchistan).

[3] In his tel. No. 68 of 20 July, Sir G. Squire reported that the Afghan Prime Minister had kept his promise and stopped all radio propaganda since 15 July. Only one article had since appeared in the Afghan press which explained the difference between Pathans and Indians and demanded a reference to the U.N.O. L/P &S/12/1812: f 272.

133

Lord Ismay to Sir A. Carter

Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (I)

INDIA OFFICE, *16 July 1947*

Sir Archibald Carter,

I think that the Viceroy will be very disappointed that for the overriding reasons

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set out in the attached telegram[1] it was impossible to make the announcement that he suggested in his 1944-S.[2] Nevertheless I submit that it is most desirable that there should be a very early announcement about Sir Archibald Nye and Sir John Colville, even if all the other announcements must be delayed. To us in India the Congress invitation to these two British Governors to remain in charge of the two largest Provinces was one of the most significant developments of the last three months, and I believe that it would be very welcome news throughout this country.

2. I venture to put this in because I had a long talk with Lord Halifax yesterday afternoon about his speech in the Lords today, and he volunteered the suggestion that the sooner the announcement of British Governors could be made the better.[3]

ISMAY

[1] In this telegram, No. 9089 dated 15 July 1947, Lord Listowel explained that time did not permit an announcement about the Governors to be made either on the third reading of the Bill in the Commons or when it passed through all its stages in the Lords. He also pointed out that the India Office had yet to receive acceptances for any of the new appointments. L/P &J/10/141: f 126.

[2] In this telegram dated 14 July 1947, Lord Mountbatten had suggested that an announcement about the Governors, which would include a reference to the fact that the Dominion of India had asked Sir John Colville and Sir Archibald Nye to continue in office, should be made on the third reading of the Bill in the Commons. L/P &J/10/141: f 127.

[3] On 16 July, in a reply to Lord Ismay, Sir A. Carter minuted as follows: 'I think we all realise the importance of announcing as soon as possible some of the Governors' appointments. Obviously we need not wait till all are fixed. We are hoping to get *some* announcement out early next week'. Emphasis in original. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (I).

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Notes by Mr I. D. Scott and Sir G. Abell

R/3/1/171: ff 7-8

16 July 1947

The Agenda for tomorrow's meeting of the Partition Council consists of three main items. All of them are straightforward except the first, and H.E. may accept the recommendation of the Steering Committee in each case.

The first item is the plan of action in the event of disturbances on the boundaries of the two Dominions after August 15th. The Commander-in-Chief has sent a letter to H.E.,[1] which has been circulated as the agenda for this item, suggesting that the Joint Defence Council should have the authority of both Dominion Governments to declare any affected districts as "disturbed areas". When this had been done, the Supreme Commander would appoint

[1] No. 102.

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a British Commander to have military control over the area, and operational control of such troops and air forces as were considered to be necessary.

This seems to me a thoroughly bad proposal. The Joint Defence Council has been agreed to for the specific purpose of dividing up the defence Services, and it has been agreed that it will have no operational responsibility whatever after August 15th. Even if the Partition Council were to agree to the present suggestion, which is doubtful, it would in my opinion place H.E., the Commander-in-Chief, the British local Commander, and other British officers in an impossible position: whatever they did would be criticised, and they would have no effective means ultimately of exercising their responsibility. Since it is suggested that the two Governments should agree to place troops at the disposal of the British Commander, it is obvious that at any time the aggrieved Government could withdraw its troops. Moreover, it is possible that trouble might continue for many months on the border, during which time the Joint Defence Council will be coming to an end. Finally, very awkward positions might arise, such as a mutiny by a Hindu Sikh battalion, which might involve the use of British troops to suppress it or even to safeguard the lives of the British officers handling the situation.

The proper solution of this matter of disturbances along the border is for the two Home and Defence Ministers of the respective Dominions to keep in close touch with each other and to arrange together, on behalf of their Governments, whatever action they consider necessary to implement a solution to which they have already agreed. There should be no British responsibility in this matter.

I. D. SCOTT

Above note by DPSV. I agree with him that there are objections to the proposed arrangement, but I cannot think of a better one. In a matter like this however if both the Dominions want the Joint Defence Council to control matters on the frontier, the Joint Defence Council must clearly do so. In that case, it is almost inevitable that the over-all Commander in the disturbed area should be British, and whatever the objections, I think this will have to be accepted, provided the two Dominions accept it. There is of course no question whatever of using British troops, and it seems to me most important that the British troops should be removed from Lahore at the earliest possible time, as otherwise they may get involved, and secondly because they occupy accommodation which may well be wanted for Indian reinforcements.

G. E. B. ABELL

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Note by Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Partition Council Papers

SECRET *undated*

WITHDRAWAL OF BRITISH FORCES

1. H.M.G. have announced that the withdrawal of the British Army from India will commence immediately after the transfer of power, will be carried out as quickly as shipping permits and is expected to be completed by about the end of 1947.

2. H.M.G. have also agreed with the conception that British Forces in India, after 15th August, should have no operational function whatever, and that they will therefore not be available to be called upon for such purposes as internal security, use on the North West Frontier or, of course, use in the States. They would be regarded as continuing their training here until transport arrives to take them away.

3. H.M.G. have, however, represented that it may be of advantage to all parties concerned to retain, for the time being, the R.A.F. transport squadrons and their maintenance organisation at present in the Karachi-Mauripur area. These squadrons might, it is suggested, be of great use to both Dominions in maintaining internal military communications, and assisting in the training of Pakistan and Indian Dakota squadrons. They could also be available in a non-operational role in the event of serious internal unrest, bearing in mind that both Dominions will themselves only be able to provide similar facilities to a limited degree for some time to come. The presence of these R.A.F. units would also assist both Governments in providing air transport facilities and maintenance of essential routes in and through India. One of these squadrons would be moved from Karachi to Dominion of India territory.

4. The question of whether or not these transport squadrons should stay on for a period will be considered at the next Partition Council meeting.[1] If they do remain, they would be under the general control of the Supreme Commander through the Air Officer Commanding in Chief.

[1] At a meeting of the Partition Council on 17 July representatives of both the future Dominions accepted the proposal to retain the R.A.F. Transport Squadrons provisionally up to 31 March 1948. Mountbatten Papers, Partition Council Minutes, Case No. P.C.54/6/47. This decision was conveyed by Lord Mountbatten in tel. 2034-S of 18 July. After some initial hesitation, the Air Ministry in London accepted Mountbatten's suggestion in para. 5 of No. 124 to the effect that the number of squadrons should be reduced from three to two and that one of them should be located in India. L/WS/1/1092: ff 239, 221.

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files: Defence of India and Pakistan, Part I(b)

IMMEDIATE — INDIA OFFICE, *16 July 1947, 7.00 pm*
SECRET — *Received: 17 July, 9.34 am*
PRIVATE

No. 90. It has occurred to me that you might use ridiculous claims of Afghan Govt.[1] to point out to Partition Council or perhaps to leaders individually how essential it is for India and Pakistan to have a unified defence policy. Nothing conduces to unity more than a common danger and a common fear.

2. I cannot for example see how Pakistan airforce unless supported by Indian airforce could compete with anything but most trivial tribal incursion.

[1] See Vol. XI, Nos. 140, 212, 272, 309, 377, 395, 431, 453, 463, para. v, 486, Minute 4, 517.

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The Earl of Listowel to Sir T. Shone (via Cabinet Office)

Telegram, L/WS/1/1046: ff 201–2

IMMEDIATE — *16 July 1947, 4.52 pm*
TOP SECRET
PERSONAL

UKRI 453. 1. His Majesty's Government consider that of the defence issues that will have to be discussed with the New Dominions, the most urgent and immediate problem is to obtain agreements allowing us to continue to maintain facilities for the transit of military aircraft through India. The present military routes carry mail, troops and Government passengers to destinations in the Far East. It is essential that there should be no gap in the continuity of the provision of these facilities and arrangements to this end should, therefore, be concluded with the minimum of delay. Otherwise we stand to face withdrawal of facilities, involving a complete cessation of service on some routes, and in others a temporary stop until alternatives can be arranged.

2. The Viceroy has agreed that this is an issue that must be dealt with immediately. His No. 1800–S of 7th July[1] refers. He has suggested that you should negotiate forthwith with the Party leaders, as representing future successor authorities, with the object of obtaining their consent to continuation, after August 15th, of present facilities, in form of a stand still agreement.

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3. Will you, therefore, initiate negotiations with the Indian leaders at an early date to secure a stand still agreement for the continuation of the existing military aircraft transit facilities after August 15th. Before opening negotiations you should consult the A.O.C. in C. and ascertain his requirements:—

(*a*) For locating R.A.F. personnel and equipment

(*b*) For facilities from D.G.C.A. to permit the continued operation of existing military aircraft transit facilities.

4. Negotiations for the continuance of air transit rights after the expiry of the stand still agreement will form part of the general negotiations for the securing of British strategic requirements, which, it is hoped will take place later.[2]

[1] Vol. XI, No. 556.

[2] In IRKU 611 of 13 August Sir T. Shone reported that Mr Symon had called on Pandit Nehru on 21 July and Mr Jinnah on 22 July and left with each an aide-mémoire which had been agreed with the A.O.C.-in-C. A written reply from the Provisional Government of Pakistan had been received and was 'satisfactory'. Despite frequent reminders a reply from the Government of India had yet to be received but the High Commission had been assured informally that it would be satisfactory. In tel. 680 of 30 August Sir T. Shone confirmed that the Indian Government had now notified their agreement to the continuance of existing military aircraft facilities 'it being understood that negotiations for their future continuance will form part of the later negotiations about defence matters between H.M.G. and India'. L/WS/1/1046: ff 119 and 105.

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Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I(b)

IMPORTANT NEW DELHI, *16 July 1947, 11.15 pm*

SECRET

No. 1993–S. Pandit Nehru asked[1] me whether I was satisfied that you have been able to take adequate precautions against the outbreak of trouble in Calcutta when the result of the Boundary Commission is announced. I should be grateful for your appreciation of the situation which will then arise so that I may reassure him.

2. It is clear to me that Congress fear that the League intend to carry out their threats to wreck the city before they turn it over to the Dominion of India.

[1] No record of a conversation on this matter has been traced.

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Rear-Admiral Viscount Mountbatten of Burma to Sir A. Hydari (Assam)

Telegram, Mountbatten Papers. Official Correspondence Files: Assam, Situation in

CONFIDENTIAL NEW DELHI, *16 July 1947, 11.15 pm*

IMPORTANT

No. 2000–S. Pandit Nehru tells me[1] he has asked you for a report on the conduct of the referendum with reference to complaints by the Congress.[2]

2. I have also received complaints from the Muslim League,[3] and before Nehru mentioned the matter, I had told Jinnah[4] I would not take any action. I also refused Nehru's request,[5] and am glad to learn from your letter of the 11th July,[6] which has just arrived, that you are fully satisfied about the conduct of the referendum. I am sending him a copy of paras 5, 6 and 7. I realise that complaints are almost inevitable in such circumstances, and so far as I can judge, the referendum has been efficiently and impartially run.

[1] See No. 95. [2] See No. 94. [3] and [4] See No. 98, note 2. [5] See No. 98.
[6] No. 68.

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Sir E. Mieville to Lord Ismay (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of — Part (I)

PRIVATE NEW DELHI, *16 July 1947, 11.30 pm*
Received: 17 July, 3.35 am

No. 1996–S. Your telegram No. 88 of 15th July.[1] I saw Jinnah this evening, and he is most anxious that Rowlands should come out as his Chief Adviser, but does not feel that it would be fair to Rowlands or to Pakistan unless he were able to stay for six months. He pointed out that Pakistan were starting from scratch, and, as such, were at a great disadvantage with India and that they would need all the help they could get. He asked me, therefore, to put it to you as strongly as I could that he did hope that H.M.G. would see their way to sparing, as he put it, one of their best men to help him for six months in his initial difficulties.

The Viceroy entirely agrees with Jinnah in his proposal and is prepared to

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appeal to the Prime Minister, if you think that would help. He further wishes me to point out to you that it would be a great asset to have such a contact as Rowlands in Karachi.

[1] In this telegram Lord Ismay informed Lord Mountbatten that Sir A. Rowlands could not be spared for more than two or three months at most. Although Ministers had yet to be consulted, Ismay felt that Mountbatten should approach Mr Jinnah and ask whether he wished to have Rowlands' services for two to three months from 15 August. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (I).

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Mr V. P. Menon to Sir P. Patrick

Telegram: R/3/1/138: f 151

MOST IMMEDIATE SECRET

GOVERNMENT OF INDIA, STATES DEPARTMENT,
16 July 1947, 11.55 pm
Received: 16 July, 11.40 pm

No. 5577. I have just seen Crown Representative's reply[1] to Secretary of State's telegram No. 9082 dated 15th July.[2] H.E. had informal talks with representatives of Mysore, Baroda, Gwalior, Bikaner, Jaipur and Jodhpur on accession on three subjects before 15th August.[3] Their reactions are favourable. Subsequently under H.E.'s instructions I met all these representatives and others. After discussion with them some of them have definitely promised to accede to the Dominion on these three subjects; others agreed in principle but subject to discussion on details. I have now prepared without committing my Member or H.E. a very tentative draft Instrument of Accession which I have handed over to representatives of certain major States. We are discussing this either tomorrow or the day after. While one cannot predict the ultimate outcome, Secretary of State could say if this telegram reaches you in time that informal discussions have been going on with major States and their reactions are encouraging.

[1] and [2] Tel. 9082 asked for information about the course of discussions which it was understood were in progress with representatives of Hyderabad, Mysore and Travancore. In tel. 1986-S of 16 July the Crown Representative had replied that discussions had so far been held only with representatives of Hyderabad who were now reporting to the Nizam. L/P & S/13/1848: ff 160, 156.

[3] For Lord Mountbatten's talks with Sir B. L. Mitter and the Maharaja of Jodhpur, see No. 105. For his talks with Sardar Panikkar and the Maharaja of Gwalior, see Mountbatten Papers, Viceroy's Interviews Nos. 155 and 161. No record of the talks with the representatives of Mysore and Jaipur has been traced.

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Government of India, External Affairs and Commonwealth Relations Department to Secretary of State

Telegram, L/P&S/12/1812: f 291

IMMEDIATE NEW DELHI, *16 July 1947, 11.55 pm*
Received: 16 July, 11.40 pm

No. 5574. Katodon 62.[1] Future of North West Frontier Province. In view of our earlier refusal to accept anything in nature of an (? Afghan) Mission we see no reason to request American Minister to suggest to Afghan Government that they should send a suitable emissary to discuss whole matter with Viceroy or any Indian political leaders. Any such suggestion can only create impression on Afghans that their claim to voice in future status of frontier areas is still open to discussion.[2]

Repeated to H.M.M. Kabul, No. 162, Government of the North West Frontier Province, Peshawar, Indian Embassy Washington (copies by post to U.K. High Commissioner and Baluchistan).

[1] In his tel. 62 of 13 July Sir G. Squire reported that the American Minister in Kabul had informed him that neither he nor the State Department were at present willing to give any advice to the Afghan Government except to suggest that they should send a suitable emissary to discuss the whole matter with the Viceroy. Squire added that Shah Mahmud (the Afghan Prime Minister) expected to leave for America by air in the next fortnight and he (Squire) agreed that if he could stop *en route* in Delhi and see the Viceroy and Mr Jinnah this might help. L/P&S/12/1812: f 292.

[2] In tel. 68 of 17 July the Secretary of State for Foreign Affairs commented that H.M.G. agreed that a misleading impression might be created if the Government of India were to initiate a suggestion that an Afghan emissary should specially visit Delhi. He pointed out, however, that this would not arise since the Afghan Prime Minister planned to pass through Delhi in any case, and added that 'H.M.G. would see some advantage in personal contact with Shah Mahmud at this juncture'. L/P&S/12/1812: f 281.

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

R/3/1/161: f 22

IMMEDIATE INDIA OFFICE, *16 July 1947, 8.45 pm*
SECRET *Received: 17 July, 9.30 pm*
PRIVATE

No. 89. In continuation of my telegram 8840.[1] I have had a further long meeting[2] with Chiefs of Staff this morning on the subject of strategic requirements. I have emphasised that detailed negotiations cannot be undertaken until new governments have been set up, but Chiefs of Staff are anxious lest, if no

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mention, even in general terms, of these negotiations is made in advance of setting up of their governments, the Indian leaders may claim that we had not been frank in not telling them about necessity for these negotiations beforehand.

2. I said that the most that you might be prepared to do would be to take an early opportunity in pointing out to Indian leaders that there would of course be a number of defence arrangements of mutual advantage both to Indian Dominions and to remainder of Commonwealth that would have to be settled when both governments were in a position to discuss these matters.[3] A military delegation would then be sent out to India for detailed talks. The main point of these arrangements would be to provide necessary British assistance to India and Pakistan for their own defence against external aggression and to give both India and Pakistan as full and free members of British Commonwealth opportunity of offering assistance to other members of Commonwealth if in any contingency they so undertake.

3. I am bringing out with me for your personal information an India Office statement of proposals and I have emphasised that when time comes Chiefs of Staff must be prepared to send out a fairly high-ranking delegation to settle details. The discussions will be of course under aegis of High Commissioner.

[1] No. 49. [2] L/WS/1/1046: ff 197–200.

[3] The minutes of Lord Ismay's meeting with the Chiefs of Staff on 16 July read as follows in this respect: 'He [Ismay] suggested that the approach to the Indian Dominion Governments should be made, firstly, by demonstrating to them their military weakness arising from the political decision to partition India. The defence tasks that would be likely to face them in the future would then be stated and it could be emphasised that in meeting these problems they would be gravely handicapped unless they could rely on the support not only of the United Kingdom but also of the remainder of the Commonwealth. The steps that could be taken to assist India could then be stated and arising from these our strategic requirements could then be enumerated and elaborated. The emphasis must be laid on the benefits accruing to India and Pakistan of remaining within the Commonwealth.' In subsequent discussion general agreement was expressed when Ismay suggested that he should be provided with the views of the Chiefs of Staff on the manner in which the approach to the Dominion Governments on defence matters should be made. *Ibid.*

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/117: f 156

IMPORTANT INDIA OFFICE, *16 July 1947, 10.35 pm*
Received: 17 July, 9.30 am

No. 9156. Your telegram No. 1979–S of July 15th.[1] I repeat below relevant passage from Henderson's speech, which differs in some important respects from

[1] No. 121.

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version given you by Jinnah and Liaquat: *Begins.* The provision that other factors will be taken into account has been made primarily to enable the Commission to have regard to the special circumstances of the Sikh community in the Punjab, where considerations such as the location of their religious shrines can reasonably be taken into account up to a point. I would, however, emphasise to the Committee that it is for the Commission itself to decide what are other factors and how much importance should be attached to all or any of them. *Ends.*[2]

[2] Lord Mountbatten sent Mr Jinnah a copy of this telegram on 18 July. R/3/1/157: f 179.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Ceremonies for, Part I (1)

EXPRESS NEW DELHI, *16 July 1947, 11.15 pm*
CONFIDENTIAL *Received: 17 July, 3.35 am*

No. 1999–S. In order to arrange the ceremonies of August 15th, I should be grateful for guidance on the following point: Do I cease to be Governor-General as from one minute past midnight on the night of the 14th/15th August? In that case it will be necessary for me to be sworn in again before I proceed in state to the Constituent Assembly on the morning of the 15th. Will you please also send the form of Oath which I shall be required to take. Presumably this will be the same for Jinnah, and I should like to give him a copy as soon as possible so that he also can make arrangements for ceremonies in Karachi.

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Statement by Sir C. P. Ramaswami Aiyar[1]

L/P&S/13/1842: ff 57–9

undated

Both the Houses of Parliament have now without division assented to provisions of Indian Independence Bill and on communication of assent of King on Friday the Bill will become law. Thereafter Parliament will have no legislative or other authority over India. Two portions in parliamentary debate are particularly notable, the first being Mr Attlee's statement[2] that there would be no pressure either way, but even more significant is statement[3] of Sir Hartley

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Shawcross, Attorney General, who said we regard decision which States have to take as being their decisions and we do not intend to bring any pressure of any kind upon them. He further stated that he did not doubt that a State negotiating terms on which it might accede to a Dominion might make condition that accession should be conditional on Dominion concerned remaining within Commonwealth.[4] His Majesty the King who by virtue of treaties and agreements exercised paramountcy over Indian States has by his own voluntary act given up his rights and obligations in respect of States and all treaties and agreements entered into with him will be terminated from the 15th August 1947. In law as well as in fact Travancore will become an independent country from that date, but will try its utmost to work in cooperation with rest of India on such matters as regulation of electric power and transit arrangements, national highways, railways, and sea and air communications, posts, telegraphs, telephones and wireless, passports, emigration, rights of movements, residence, acquisition of property, validity of Indian currency, and several other matters. Travancore has already expressed its assent to the continuance of existing arrangements in regard to several topics pending final arrangements. With disappearance of Treaties of 1795 and 1805 cash contribution that was agreed to be paid under those Treaties will cease to be levied. In respect of defence Travancore, having its own State Forces and its Armed Reserve Police, will not ask for any help in matter of internal security. It is however prepared and willing to place its armed forces at disposal of rest of India in order to resist aggression. Such aggression will also be against declarations of U.N.O. and defence in case of such aggression will be a world problem. No agreement as to defence will however involve any subordination to or suzerainty of any other part of India over Travancore. Travancore will not be a protectorate of any other dominion or dominions. The State will be prepared to enter into arrangements regarding arms and equipments, with due regard to internal security requirements and defence of India as a whole. As already stated such defence will in circumstances of Travancore have to take into account Naval and Air Forces requirements of future. The State will also expect and give free transit to travellers, goods and merchandise and will be perfectly prepared to harmonise its import regulations with those of rest of India, import duties however being levied and retained by Travancore as has been the custom. The State had always had right to levy export duties and will maintain that right, but will be ready to enter into a settlement with the rest of India on the rates to be levied. Interportal convention has already been denounced by this Govt and will cease to operate from the 15th of August as also provisions in regard

[1] This statement was presumably made on 17 July, the day following the passing of the Indian Independence Bill in the House of Lords.

[2] *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, col. 112. See also No. 262 notes 3 and 4.

[3] *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, col. 101.

[4] *Ibid.*, cols. 116–7.

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to customs and receipts under Cochin Harbour Agreements. Right already existing in Travancore Govt to issue its own currency will be exercised and on introduction of nickel coinage in what is now British India State is considering question of issuing paper currency. The silver currency in State will be withdrawn on same day on which it is withdrawn in British India. The State will recognise the currency and coinage of rest of India, subject to reciprocal arrangements. Some confusion has been caused by remarks made during the Parliamentary Debates as to international status of Indian States.[5] They are really beside the point, because international recognition of State has to be earned by the State and Travancore will get such international recognition if she is strong and united. There is no particular reason why she should be in a worse position than Denmark, Switzerland and Siam. These considerations are however material only if and when Travancore wishes or proposes to join the United Nations Organisation. This is a matter to be decided in future and all that Travancore is now concerned with is full freedom of trade and transit with the rest of the world which is in the nature of things a matter of course.

[5] cf. The exchanges between Lord Listowel and Viscount Templewood during the debate on the Independence Bill in the House of Lords on 16 July. *Parl., Debs.*, 5th ser., H. of L., vol. 150, cols. 823–5.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/82: ff 40–2

IMMEDIATE INDIA OFFICE, *17 July 1947, 2.00 am*
Received: 17 July, 9.30 am

No. 9189. Your telegrams 1958–S[1] and 1959–S.[2] Interim Government. General line taken in draft Order seems to me a satisfactory method of dealing with this difficult situation. I have following suggestions to make on the terms of the Order.

(1) I assume that Order will not now be issued until after the Indian Independence Bill has become law. I therefore suggest that reference to section 40 of ninth schedule to Govt of India Act be omitted. 9(1)(*e*) of the Bill gives full authority for making of the Order and it would be wrong, I think, to imply that the power is derived from Section 40(2) of the Schedule especially as what you propose is inconsistent with 41(1) in that it excludes certain members of Council from participation in its decisions on certain matters.

(2) As the new Dominions do not come into being until 15th August I suggest that word "future" be inserted before "Dominion of India" and "Dominion of Pakistan" wherever they occur. Paragraph 6. I suggest that you

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should insert after "Pakistan" the words "or is a case of common concern to the two new Dominions".

2. It is, of course, somewhat obscure how it is to be ensured that each of the two Departments is aware what the other is doing and is able to protest against any encroachment on its proper field. It can be argued that any matter of common concern is predominantly the concern of the new Dominion of India because the new Dominion of India is the largest part of the whole, but no doubt imprecision on this point is a necessary part of the compromise. Is it also intentional that there is no statement that matters of common concern will be decided by the Council as a whole?

3. As regards your telegram 1958–S I agree that you must go ahead irrespective of Muslim League reactions and that you should consult the two Provisional Governments as regards adaptation of Government of India Act. Is it, however, necessary to consult Pakistan Provisional Government about North West Frontier Ministry? Legal position is that Governor appoints Ministry in discretion under Section 50 subject to his instrument of instructions and to your superintendence under Section 54 exercisable in discretion. When the new Act comes into operation Governor will cease to have discretionary power by Section 8(1)(*c*) and your control will, therefore, lapse. Constitutionally appointment of Ministries will then be a matter for Governor in consultation with leaders of parties in local legislature, and it would seem unfortunate to do anything which gives impression that we contemplate as desirable control by Pakistan or India Government over appointment of Ministries in Provinces which should be based on opinion in local legislature. I do not, however, press this if you are satisfied that there are special circumstances justifying consultation but suggest it would be preferable to consult Jinnah and Liaquat as Muslim League leaders rather than proposed Provisional Government.[3]

[1] No. 110.

[2] Not printed. The telegram referred to transmitted the text of the Draft Order in No. 108, Enclosure 2.

[3] A draft of this telegram, together with the two telegrams from the Viceroy, were forwarded by Lord Listowel to Mr Attlee with the Secretary of State's minute No. 126/47 of 16 July. Mr Attlee approved the draft on the same day. L/P &J/10/82: ff 43 and 39.

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Meeting of the Partition Council, Case Nos. P.C.47/6/47,[1] 55/6/47, 56/6/47 and 57/6/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present at this Meeting held on 17 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Field Marshal Sir C. Auchinleck, Sir P. Spens (No. P.C. 55/6/47), Sir E. Mieville, Sir G. Abell (No. P.C. 56/6/47), Mr H. M. Patel, Mr Mohamad Ali, Brigadier Elliott, Mr Osman Ali, Lieutenant-Colonel Erskine Crum.

Case No. P.C. 47/6/47 Plan of action in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after 15th August.

HIS EXCELLENCY said that he had not had an opportunity to discuss the note[2] before the Council with the Commander-in-Chief. He felt that if the procedure suggested by the C.-in-C. were agreed to, it would be essential that the two Dominions should make it clear that they took full responsibility for the association of British Officers who would be employed on this work and that these officers were acting under instructions from the Dominion Governments. He would have a draft statement prepared for the approval of both sides covering this point, conveying their earnest and sincere assurances to the minorities that their rights would be protected and that both Governments would adopt a no reprisals policy, and warning all concerned that in the event of trouble the full weight of the proposed machinery would be brought to bear for its suppression.

THE COMMANDER-IN-CHIEF said that the disturbed areas in which this machinery would be brought into operation would have to be defined, preferably to correspond with civil districts, by the two Governments or the Partition Council. The troops employed would be Indian, but there would be a number of British Officers in command. His staff was working out details of the possible areas which might be involved and the number of troops required based on past experience. It was important to employ units of mixed class composition as recent experience had shown that where a battalion composed entirely of one class of soldiers was used, there were likely to be charges of partiality. So far as the Punjab was concerned it was his intention to use the 4th Indian Division commanded by Major General Rees which was already in the area. He would attach to Major General Rees's staff a senior Muslim officer and a senior non-Muslim officer as advisers.

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Continuing, THE COMMANDER-IN-CHIEF emphasised that for the sake of avoiding confusion in the minds of officers and men who were conversant with the existing law governing the use of troops in aid of civil power there should be no change after the 15th August in that law for such period as these forces were employed on this work.

In the course of subsequent discussion, the following points were made:

(*a*) It was not anticipated that there would be very serious trouble in Bengal with the possible exception of the city of Calcutta. If, however, the necessity arose, the same principles should apply in that province. HIS EXCELLENCY said that he had asked the Governor of Bengal to give him an appreciation of his ability to maintain law and order in Calcutta and Bengal generally on the date the decision of the Boundary Commission was announced.[3]

(*b*) The troops in the disturbed districts of the Punjab should be in position by about the 7th or 8th of August.

(*c*) The Joint Defence Council should be constituted in sufficient time to meet in a preliminary way by the first week of August. In the event of the Defence Member Pakistan not being able to attend meetings summoned urgently to take decisions on operational questions as opposed to policy questions, the Pakistan High Commissioner in Delhi might be nominated as his representative.

(*d*) The High Commissioner would be at a disadvantage for this purpose as he would be without expert advice. In cases of urgency it would be preferable for the two Governors-General to discuss the matter over the secraphone, and to agree upon a line of action.

(*e*) Generally speaking, 3 days' notice of an intended meeting of the Joint Defence Council should be given.

(*f*) The legal authority of the Joint Defence Council to declare martial law in an area should be examined. The whole question of the composition, powers, responsibility etc. of the Joint Defence Council would have to be considered separately.

DECISION

The Council agreed:

(1) that action to deal with disturbances in the neighbourhood of the boundaries between the two Dominions on or after the 15th August should be on the lines indicated in the Commander-in-Chief's note;

(2) that Major General Rees, Commander of the 4th Division should be appointed as joint Commander on behalf of both Dominions to control all

[1] This item has been taken from Mountbatten Papers, Official Correspondence Files: India and Pakistan, Plan of Action in event of clashes in neighbourhood of boundaries between the two Dominions.
[2] See No. 102. [3] See No. 138.

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troops operating in the defined areas in the Punjab, and that the chain of control from the two Dominion Governments to Major General Rees should be through the Joint Defence Council and the Supreme Commander. The Council noted that the Commander-in-Chief would nominate a Muslim and a Sikh officer of suitable seniority as advisers on Major General Rees's staff;

(3) that the zones in which the troops would have to operate should be defined by H.E.'s staff in consultation with the Commander-in-Chief and submitted to the Partition Council for approval;

(4) that troops should be in position by the 7th or 8th of August at the latest;

(5) that there should be no change in the law governing the use of troops in aid of the civil power after the 15th August for such period as these forces were employed on this work;

(6) that details of the organisation and the formal resolution of both Governments in the case of trouble should be incorporated in the statement which H.E. was having prepared for issue over the signature of the members of the Partition Council regarding protection of minorities' rights, assurances of "no reprisals" and the fact that such British Officers as would be engaged in this work were acting under express instructions from and were directly responsible to the two Dominion Governments;

(7) that a paper should be prepared defining the composition, powers and responsibility of the Joint Defence Council for consideration by the Partition Council.

Case No. P.C.55/6/47 Arbitral Tribunal

The Council noted that Sir Patrick Spens had accepted the appointment of Chairman of the Arbitral Tribunal and recorded its appreciation of his acceptance which it recognised was due to a high sense of duty on his part.

DECISION

The Council decided that:

(1) Sir Patrick Spens should be relieved of his office as Chief Justice of the Federal Court from the day he took up his new appointment and that on the conclusion of the work of the Tribunal he should accept no appointment, official or non-official, in India (Sir Patrick Spens expressed his complete agreement);

(2) the representatives of the India and Pakistan Governments should nominate, in consultation with Sir Patrick Spens, one Judge each for appointment on the Tribunal;

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(3) in the event of either nominee not being able to attend any meeting of the Tribunal, the party concerned should, in consultation with Sir Patrick, nominate a substitute;

(4) the Tribunal should be set up as soon as the names of the two Judges were agreed upon;

(5) the Tribunal should appoint its own staff after it is set up; it would presumably be composed of Hindu, Muslim and British officials;

(6) the terms of reference should be drawn up by Sir Patrick Spens, in consultation with Mr Jinnah and Sardar Patel, and submitted to the Partition Council for its approval;

(7) the Tribunal would be entitled to lay down its own procedure;

(8) parties on either side would be represented by counsel;

(9) the Tribunal would have the right to summon, if necessary, experts as court witnesses;

(10) the Tribunal should be located initially in Delhi which it was recognised would be the most convenient place, but that for good reasons it may seek permission later to sit elsewhere;

(11) that the target date for completion of the work of the Tribunal should be fixed at 31.3.48.

Case No. P.C. 56/6/47 Issues connected with the Partition work in the Punjab[4]

In answer to a query SIR GEORGE ABELL said that the work of partition was going ahead in the Punjab much on the same lines as were being followed at the Centre and that the Partition Committee was being kept informed through the Steering Committee on all matters of administration in the Province with the exception of Law and Order which, since the withdrawal of the Muslim League member from the Security Committee,[5] was now solely the responsibility of the Government.

In the course of discussion the following points were made:

(*a*) It was desirable that both the Governments of the East and the West Punjab should remain at Lahore with a view to facilitating the work of partition. If Lahore goes to the West Punjab by the decision of the Boundary Commission, the Government of the East Punjab would find no difficulty in moving out at short notice to Simla which was the summer capital. Whichever side lost Lahore would, of course, have to move out before the 15th August;

(*b*) it was in all the circumstances best to proceed on the basis of the notional boundary, and the Government of East Punjab should, therefore, prepare to move to Simla without prejudice, of course, to the decision of the Boundary Commission regarding Lahore;

[4] See Nos. 81 and its Enclosure, 89 and its Appendix 'A', 90 and 111.
[5] See Vol. XI, No. 472.

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(*c*) the Boundary Commission might be asked to decide the question of Lahore as a matter of priority. It was pointed out however, that such action might prejudice acceptance by all parties of its subsequent decisions;

(*d*) the posting of officers should proceed on the basis of the notional boundary which was not likely to be greatly modified by the Boundary Commission. The alternative proposal to set up joint administrations in all the 14 disputed districts and then repost officers in accordance with the option they had exercised in the short period of two or three days between the announcement of the Boundary Commission's decision and the transfer of power would lead to confusion and a breakdown of the administration;

(*e*) trouble in any one part of the Province was likely to have repercussions elsewhere. It was important, therefore, that as far as possible, the Governments of the East and the West Punjab should each have its own administrative machinery in position not later than 1st of August so that the problems of law and order could be effectively tackled. It was pointed [out] that this should be possible in all the Districts except possibly those regarding which there was real dispute namely, Lahore, Amritsar and Gurdaspur;

(*f*) preparations for and actual posting of officers could be proceeded with on the basis of the notional boundary. The officers would, however, have to be warned that some changes might have to be made in the light of the Boundary Commission's decisions;

(*g*) the uncertainty regarding the fate of the disputed districts was holding up the work of division of assets and liabilities. It might, therefore, be necessary for the Partition Committee in the Punjab to continue to sit after the 15th August.

Summing up, HIS EXCELLENCY said that he would visit Lahore, probably on Monday next, meet the provincial Partition Committee and endeavour to secure their agreement (*a*) to the Government of the East Punjab planning its move to Simla before the 15th August without prejudice to the ultimate award of the Boundary Commission regarding Lahore (*b*) to postings being made on the basis of the notional boundary and (*c*) in the event of his failing to secure agreement regarding the two or three seriously disputed districts, to action being held up in respect of these districts until he had reported back to the Partition Council. A telegram to this effect would be sent to His Excellency the Governor of the Punjab.

Case No. P.C.57/6/47 Replacement of present Partition Council after 15th August

The Council recognised the need to bring into existence on the 15th August a body, which might be suitably designated as the Partition Council, to com-

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plete such work of the present Partition Council as remained unfinished on that date.

After a brief discussion it was agreed:

(1) that on the 15th August a new Partition Council be constituted to complete the work of partition remaining unfinished on that date;

(2) that two representatives of each of the new Dominions should serve on this Council;

(3) that there should be in addition alternate members to serve on the Council in the event of any of the representatives not being able to attend a meeting;

(4) that these representatives should be authorised to enter into agreements on behalf of their respective Governments;

(5) that the Council should have a non-voting Chairman;

(6) that the leaders of the two parties should recommend the names of their representatives;

(7) that questions on which agreement could not be reached would be referred to the Arbitral Tribunal.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

Mountbatten Papers. Official Correspondence Files: Visits and Tours

NO. 2954 NEW DELHI, *17 July 1947*

Dear Mr Gandhi,

Thank you for your letter of the 16th.[1]

As I told you in our talk, I will entirely agree to anything you want, and offer my services to facilitate your visit. I am accordingly telegraphing to the Resident to pass on your proposal to visit Kashmir as a private person to the Maharaja.

Since seeing you I have received news that the Maharaja is sending his Prime Minister, Kak, to Delhi early next week to join in the discussions which I am arranging with the States Department. I feel it would be both courteous and wise if you and Pandit Nehru could have a talk with Pandit Kak before deciding on the precise date and details of your visit, as I personally rather fear that a visit of a man of such world-wide eminence as yourself can never be kept sufficiently private not to have some effect on the rather delicate negotiations which I hope to conduct during that week.

No. 129.

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The last thing, however, I wish to do is to interfere in any way with your liberty of movement; I only want to counsel a few more days patience.

Yours sincerely,

MOUNTBATTEN OF BURMA[2]

[2] Mr Gandhi replied on 19 July that he had sent Lord Mountbatten's letter to Pandit Nehru who had replied that, in view of Mountbatten's advice, Gandhi's visit to Kashmir should be postponed till after Pandit Kak's arrival in New Delhi. R/3/1/94: f 38.

150

Rear-Admiral Viscount Mountbatten of Burma to Sardar Nishtar

Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(b)

NO. 1446/32 *17 July 1947*

Dear Mr Nishtar,

I have not replied to your letter of 6 July[1] earlier because I wished to wait until the reconstitution of the Government had been settled. As you know, that point has now been settled and has a bearing on the difficulty you mentioned about the States Department. Actually I had discussed the matter again with Pandit Nehru and Sardar Patel and they had both agreed that you should be fully associated in any matters relating to States within the periphery of the Dominion of Pakistan.[2] The problem is, however, now solved by the splitting up of the Government and you will be able to create your own States Department.

2. In your letter of 9th July[3] you mention the Conference[4] presided over by me with representatives of Hyderabad. I presided over this Conference in my capacity as Crown Representative in order to ascertain from Hyderabad representatives the probable reactions of the Hyderabad Government to a practical settlement of questions between them and the future Dominion of India arising out of the prospective lapse of paramountcy. The Hon'ble Member in charge of the States Department was not present but besides the members of my own staff and of the Political Department, the Muslim Deputy Secretary of the States Department was present.

3. I am very glad to hear that you would like me to tackle the question of a practical settlement of similar questions between Kalat and the future Dominion of Pakistan. I am, of course, prepared to give all the help I can and, after consulting Mr Jinnah,[5] I asked H.H. the Khan of Kalat to come to Delhi for this purpose with his advisers on 19 July. I should be glad to have a preliminary

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discussion with you about the issues at stake and will arrange this before meeting His Highness and his advisers.

Yours sincerely,
MOUNTBATTEN OF BURMA

[1] Not traced. [2] cf. No. 37, Item 2. [3] Not traced. [4] No. 61.
[5] See No. 82, para. 3.

151

Mr V. P. Menon to Mr C. P. Scott

R/3/1/166: ff 11–12

GOVERNMENT OF INDIA, STATES DEPARTMENT,
17 July 1947

My dear Peter,
As desired in your letter of today's date,[1] I attach a brief for H.E. in connection with his talk with Sardar Abdur Rab Nishtar.

Yours sincerely,
V. P. MENON

Enclosure to No. 151

The States with which the Dominion of Pakistan is concerned are Bahawalpur, Khairpur, Kalat and the States in the N.W.F.P. All these States have Muhammadan Rulers with a predominant Muslim population. The principle which both India and Pakistan ought to follow is "Render unto Caesar that which is Caesar's and unto God that which is God's". If some sort of an understanding is not reached on this matter between the two Dominions, there is bound to be serious trouble ahead.

Kalat is a frontier State and ought really to go into Pakistan.

So far as Bahawalpur is concerned, it touches Bikaner and Jaisalmer in the south and east and has a small common frontier with Ferozepore district. There is however no question of its being absorbed by the Dominion of India, and its rightful place is with Pakistan.

Kashmir presents some difficulty. It is claimed by both the Dominions, and at the present moment my feeling is that the issue should not be forced by either party. It is possible that a predominantly Muslim State like Kashmir cannot be kept away from Pakistan for long and we may leave this matter to find its natural solution. Unlike Hyderabad, it does not lie in the bosom of

[1] Asking for a brief for Lord Mountbatten's talk with Mr Nishtar the following day. R/3/1/166: f 10.

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Pakistan and it can claim an exit to India, especially if a portion of the Gurdaspur district goes to East Punjab.

Khaipur is another State which should obviously form part of the Dominion of Pakistan.

If N.W.F.P. goes into Pakistan, there is no question of the Dominion of India having any interest in the States in that Province.

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Mr Attlee to Pandit Nehru[1]

R/30/1/12: ff 19–21

PERSONAL *17 July 1947*

My dear Nehru,

I was glad to see Krishna Menon and to know that you propose[2] that he should be High Commissioner here. He has, of course, many friends over here, and knows the political position very well.

I discussed with him a suggested amendment to the clause in the Bill about the States,[3] but with the best of good will could not accept what was proposed, as it would not in fact have effected what was desired, and might have created a false impression. The Bill passed both Houses this week without any Division. All speakers in the Commons, and all but two unimportant Peers gave it warm support, and expressed most cordial good wishes for the success of the new Governments.

I have admired the statesmanship and courage of yourself and Patel. Our warm good wishes go with you in your heavy responsibilities, the weight of which I am in a position to appreciate.

I was very grateful to you for your help over the matter of steel rails for Russia. I am hopeful of getting something useful in the way of trade in that quarter.

I am a little anxious over the position in Burma. I like Aung San and his colleagues very much, but of course they have not the same resources of experienced personnel as you have in India. I am a little afraid of their feeling obliged to go ahead and take over before they have got an adequate machine of government. They would, I think, be well advised to remain in the Commonwealth at any rate for a period, as we could more easily help them to deal with these problems of defence and finance which are not very easy. I think, however, that they find it difficult to deal with their Left Wing, who

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have very little knowledge of anything outside their own rather narrow range of experience.

With all good wishes,
Yours sincerely,
C.R.A.

[1] The draft of this letter was in Mr Attlee's own hand.
[2] See No. 74. [3] See No. 123, para. 4.

153

Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Demi-Official Correspondence Files: Attlee, C.R.

10 DOWNING STREET, *17 July 1947*

My dear Dickie,
I have read your last report[1] with very great interest. You are managing to jump a lot of awkward hurdles.

Our debates on the Bill went very well—the opposition played up well and helped us to get it through. The only real opposition came from Rankeillour and Selborne in the Lords, but nobody took much notice.

I was glad that so many well deserved tributes were paid to you by everybody who spoke. I know too that it is well recognised that Edwina has played a great part in creating the new atmosphere. It was a great help having Pug here during this critical fortnight. I realise how heavy a time you will have during the next four weeks especially.

We are all very grateful to you for carrying on for this next stage. I am very conscious that I put you in to bat on a very sticky wicket to pull the game out of the fire. Few people would have taken it on and few, if any, could have pulled the game round as you have.

Philip's engagement has been received with great enthusiasm by everyone.

I hope you will be able to get some rest as I am sure you must need it. I hope to get away for most of August.

With all good wishes to you both.
Yours ever,
C. R. ATTLEE

[1] No. 65.

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Sir S. Cripps to Sir C. P. Ramaswami Aiyar

L/P&S/13/1842: f 63

17 July 1947

My Dear Sir C. P.,
Your friend Sir D. Sarma came and spoke with me yesterday and rubbed in (!) your arguments[1] about Travancore.

You will have seen what I said about the States in my speech[2] at the 3rd Reading of the Indian Independence Bill—which is now passed and should reach the Statute Book tomorrow.

I am so convinced that India must not be split up further as an international personality—though of course all sorts of temporary expedients may be required before you can all settle down together. That is why we are not prepared to interfere though I know the Viceroy is using his good offices to help in every way he can.

I am sure you will see the wisdom of our objective and that you will do all you can to help without sacrificing the essential interests of your state. I am certain accommodation is possible and wise and that time will solve the problems provided a reasonable and sensible beginning is made. All my best wishes to you in your difficult and perplexing times.

Yours sincerely,
R. STAFFORD CRIPPS

[1] cf. No. 146.

[2] Sir S. Cripps said the following about the States in his speech at the third reading of the Bill: 'No one who is conscious of the geographical, economic and social considerations which must condition the future of India and Pakistan can fail at this moment to express the hope that the peoples and Princes of the States will throw in their lot with the people of India or Pakistan to the very great benefit of all.' *Parl. Debs.*, 5th ser., H. of C., vol. 440, 15 July 1947, col. 229.

155

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 166

IMPORTANT — NEW DELHI, *17 July 1947, 7.00 pm*
CONFIDENTIAL — *Received: 17 July, 0.40 am*

No. 2010–S. My immediately preceding telegram.[1] Following is Communiqué on the reconstitution of the Government.

Begins. In order to facilitate the setting up of the new administration of Pakistan His Excellency the Viceroy has decided with the concurrence of

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the party leaders that the Interim Government should be reconstituted on the following lines:

2. The Government will consist of two groups representing the two successor Governments of India and Pakistan.

3. The two groups will meet separately to consider matters concerning their own territories, and jointly under the chairmanship of the Governor-General to consider matters of common concern.

4. The existing Departments will be manned by the staff who have elected to remain in India, and will be in charge of the Members representing India. The personnel who have chosen to serve in Pakistan will be withdrawn from the existing Departments, and will staff Departments which will be organized at once in Delhi, and will be in charge of the Pakistan Members of the Cabinet.

5. There will thus be what amounts to two provisional Governments, one for India and one for Pakistan, each dealing with its own business and consulting the other on matters of common concern. *Ends.*

[1] No. 2009-S of 17 July, explaining that Lord Mountbatten intended to issue the communiqué and background press note (No. 156) upon receipt of information that the Bill had received the Royal Assent. R/3/1/160: f 165.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 167

IMPORTANT NEW DELHI, *17 July 1947, 8.20 pm*
CONFIDENTIAL *Received: 17 July, 0.40 am*

No. 2011-S. My telegram 2009-S.[1] Following is background press note. *Begins.* The Indian Independence Bill has now received the Assent of His Majesty and it is necessary on practical and administraative grounds to reconstruct the Executive Council of the Governor-General. Indeed, clause (*e*) of sub-section (1) of Section 9 of the Indian Independence Bill was specifically designed to enable this to be done.

2. There are many matters affecting the two new Dominions in respect of which the Governor-General will, between now and the 15th August, require the advice of those who will be responsible for the future administration of the Dominions. A case in point is the adaptation to be made in the Government of India Act, 1935, which as from that date will be the law of the Constitution in the Dominions. The 1935 Act is likely to be adapted in a different way for each

[1] See No. 155, note 1.

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of the two Dominions. The adaptation orders and similar orders will be in the nature of Orders in Council, and such orders should naturally be made on the advice of a council solely concerned with the administration of the territories in question. There are again decisions to be taken relating to the NWFP in the light of the result of the referendum now being held there.

3. Up to this time in matters relating to the implementation of H.M.G's Statement of June 3rd the Viceroy has been acting in consultation with the leaders of political parties. With important decisions requiring to be taken affecting the setting up of the new Dominions this procedure has become unsuitable. It is necessary now that Provisional Governments should be set up at once so that they can take their due share in the organization of the new set-up, and can take over power on the 15th August without inconvenience or dislocation. *Ends.*

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Cabinet

India and Burma Committee. I.B.(47)42nd Meeting

L/P&J/10/82: ff 19–21

SECRET

Those present at this Meeting held at 10 Downing Street, S.W.1, on 17 July 1947 at 5.00 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr Arthur Henderson

Also present were: Sir H. Wilson-Smith, Sir A. Carter, Mr J. I. C. Crombie, Sir P. Patrick, Mr R. S. Brown, Mr S. E. V. Luke, Mr G. M. Wilson, Mr A F. Morley (Secretariat)

Minute 1

Continued Service of British Officers in the Armed Forces in India

(Previous Reference: I.B.(47)32 Meeting, Minute 1)[1]

The Committee had before them a note by the Secretary (I.B.(47) 141) covering a Second Report[2] by the Official Committee on the continued service of British Officers in the Armed Forces in India. The Report outlined the chief divergencies between the proposals which had been approved by the Committee on 19th June (I.B.(47) 32nd Meeting, Minute 1) and the modifications to those proposals which had been made by the Partition Council in India.

THE SECRETARY OF STATE FOR INDIA said that the terms which had been approved by the Committee had been put to the Partition Council by

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the Viceroy and the Commander-in-Chief.[3] The Partition Council, in revising the terms, had made it clear that their new terms were the maximum which they would be prepared to offer. These new terms might not attract British officers, but there was no prospect of persuading the Partition Council to reconsider them at this stage.

MR. CROMBIE said that the Chancellor of the Exchequer would not welcome any proposal that His Majesty's Government might supplement the terms proposed by the Partition Council, if it should be found that they were inadequate to achieve their object.

The Committee

Concurred in the terms and conditions of service proposed for British Officers continuing to serve in the Armed Forces in India as contained in No. 2410 of 9th July[4] from the Government of India, Defence Department.[5]

Minute 2

Position of Judges of the Indian Federal and High Courts

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 140)[6] on the question whether Judges of the Federal and High Courts of India should be granted proportionate pension and compensation.

THE SECRETARY OF STATE FOR INDIA pointed out that Judges were covered by Section 10 (ii)(*b*) of the Indian Independence Bill, which guaranteed to those who continued to serve the same conditions of service as they had hitherto enjoyed. In the Viceroy's opinion, it would be impossible to persuade either of the new Dominion Governments to offer Judges proportionate pension and compensation in view of this guarantee. Nor was there any case for acceptance of this responsibility by His Majesty's Government; the Judiciary had always maintained their independence of the Executive, and Judges were therefore in a different position from Civil Servants.

THE PARLIAMENTARY UNDER-SECRETATY OF STATE FOR INDIA pointed out that, while Judges of the Federal and High Courts could at present be removed only by the King on the advice of the Privy Council, there was no guarantee that they would retain that, or similar, protection under the new constitutions to be drawn up by the Constituent Assemblies. He therefore thought that any Judge who wished to retire immediately should be allowed to

[1] Vol. XI, No. 265. [2] L/WS/1/1115: ff 74–5.

[3] Mountbatten Papers, Partition Council Minutes, 5 July 1947, Case No. P.C.18/3/47. See also No. 65, para. 11.

[4] L/WS/1/1115: f 87.

[5] In his tel. No. 9227 of 17 July Lord Listowel informed Lord Mountbatten that his colleagues had concurred in the amended proposals for the terms of service 'on the basis that only the authorities in India can judge whether or not they are likely to produce the desired result'. L/WS/1/1115: f 60.

[6] P.R.O. CAB 134/346.

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do so on proportionate pension, but that he should not be entitled to compensation.

THE PRESIDENT OF THE BOARD OF TRADE suggested that Judges should be eligible for proportionate pension only if their conditions of service were radically altered as a result of the new constitutions. The Viceroy might be asked to point out to the Indian Leaders that the position of the Judges under the new constitutions was still uncertain and that it was conceivable that, under one or both of them the Judiciary might, e.g., be subordinated to the Executive, which would certainly be a radical alteration in their conditions of service. The Indian Leaders should, therefore, be asked to undertake that, if such circumstances were to arise, proportionate pension would be paid to any Judge who wished to retire. If the Indian Leaders refused to agree, His Majesty's Government might guarantee the proportionate pension, in view of the comparatively small number of officers involved. No public announcement need be made, but the Chief Judge of the Federal Court should be informed.

The Committee—

Invited the Secretary of State for India to ascertain whether the Viceroy would agree to consult the Indian Leaders on the lines suggested by the President of the Board of Trade.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of —Part (1)

IMPORTANT NEW DELHI, *17 July 1947, 11.00 pm*
SECRET *Received: 18 July, 1.40 am*

No. 2018–S. I understand that Corfield has telegraphed to Patrick asking him to find out whether Weightman would accept an appointment as Governor of Baluchistan.[1]

2. In para. 2 of your telegram 9037 of July 14th[2] you say that Baluchistan cannot be made a Governor's Province except by the Dominion legislature in exercise of its constitutent powers.

3. Mr Jinnah is very anxious to make Baluchistan a Governor's Province, probably for prestige reasons, and I understand that if Section 290 of the 1935 Act is suitably adapted a Governor's Province could be created by Order in Council after repeat after August 15th. I am however obtaining further advice on this and will telegraph again.

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4. Meanwhile I am most anxious that Weightman should be persuaded to accept. Jinnah originally wanted to put in Nishtar but I urged on him the advantage of appointing a British Governor. I gather he has not finally made up his mind on Weightman but if Weightman is willing there is a good chance that he would recommend him. I suggest you should talk to Weightman and try to remove any doubts he may have.

[1] In tel. 1976-P of 15 July 1947 Sir C. Corfield stated that Mr Jinnah had requested him to ascertain whether Mr Weightman would accept an appointment as Governor of Baluchistan for one year and asked Sir P. Patrick to contact Weightman and let him (Corfield) have a reply within the next few days. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1).

[2] L/P &J/10/141: f 130.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Sardar Nishtar and Mr Akhtar Hussain

Mountbatten Papers. Viceroy's Interview No. 167

18 July 1947

After some discussion of the general position of the States in North Western India *vis-à-vis* the Muslim League, H.E. said that Mr Jinnah had given him an assurance that the Western Punjab Government would not interfere with the rights of irrigation from the rivers of the Punjab enjoyed by Indian States. He said he would ask Mr Menon to secure a similar assurance from the Congress.

2. There followed a discussion about Kalat.[1] Sardar Nishtar agreed that Pakistan would not want the States to accede on more than three closely defined subjects (Defence, External Affairs and Communications). Pakistan would not have a policy of accepting all States that wished to accede. They would consider requests on their merits. Pakistan had no wish to coerce any State, but they would be embarrassed if States within their sphere of influence wished to join the Indian Union, and would have to consider their attitude.

3. Sardar Nishtar added that the League had always opposed the 1935 scheme of federation, and might not agree to the Act being adapted so as to use Part 2 for the Pakistan Constitution. Their position therefore about the accession of States is still a little uncertain. In any case, they would be prepared if necessary to enter into treaty relationships with the States if the States preferred that.

4. Sardar Nishtar asked that for the forthcoming meeting with the States, there should be separate representation of those States which were included in

[1] See Nos. 82, para. 3, 150, para. 3 and Enclosure to 151.

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groups of which the majority wished to join the Indian Union, but did not wish to do so themselves. H.E. directed PSV to take this up with Political Adviser.

5. H.E. said that he would like to know whether Pakistan would be represented by British Ambassadors, Ministers and Consuls in places where they were not represented themselves. Sardar Nishtar promised to give a reply, but said there would be no question of their using Indian representatives.

6. There was some discussion on the question of tariffs, and whether they would have to be included under Foreign Affairs, and H.E. directed Mr Akhtar Hussain to get the draft Instrument of Accession on which Mr Menon was working, and arrange that H.E. should have a brief before the meeting, indicating the League's attitude about the points covered by the Instrument of Accession.

7. In regard to Kalat, Sardar Nishtar explained that the Pakistan Government would claim to succeed to the treaty obligations and rights of HMG. Otherwise if Kalat claimed like the Indian States to be independent, it could also claim the retrocession of leased areas over which in fact complete sovereignty had been ceded to Great Britain by the terms of the leases.

8. It was agreed that the Kalat Delegation should be put off to 3/30 p.m. on Saturday 19th, and that there should be a preliminary meeting at 3 p.m. to be attended by Sardar Nishtar, Mr Akhtar Hussain, Sir Conrad Corfield and PSV.

G. E. B. ABELL

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/138: ff 167–8

QASR-I-SULTANI, BHOPAL, *18 July 1947*

Your Excellency,

To save time, I sent to Sir Conrad Corfield an advance copy of the reply of my Government to the invitation for the Conference in Delhi on the 25th instant. Sir Conrad replied forthwith acknowledging the letter and informed me that he had addressed it to the States Department.

As Your Excellency will be presiding at the opening meeting of the Conference, I feel I should also send to you a copy of my reply. I am therefore enclosing it.

Yours sincerely,

HAMIDULLAH

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Enclosure to No. 160

Mr Qureshi to Lieutenant-Colonel Woods Ballard

EXPRESS
NO. 435-A

MINISTER FOR EXTERNAL AFFAIRS,
GOVERNMENT OF BHOPAL, *15 July 1947*

Formula for the Standstill arrangement on the lapse of Paramountcy

Reference Your Express Letter No. 348-Q, dated the 13th July 1947.[1]

2. The views of the Bhopal Government on the proposals contained in your letter under reference are as follows:

(1) that those States which have already joined one or other Constituent Assembly and those States which up to the present have not joined can have no common basis for negotiations;

(2) that while no doubt it may be possible for those States which have already joined a Constituent Assembly to select a small representative Committee[2] to conduct actual negotiations it will not be possible for the Bhopal State, which up to the present has not joined either Constituent Assembly, to conduct negotiation by this means;

(3) that the Government of Bhopal cannot accept the inclusion of item (1) of paragraph 2 of your letter under reference in the agenda of any meeting which they may be asked to attend.[3]

3. As regards items (iii) (iv) (v) & (vi) of paragraph 2 of your letter, the Bhopal Government will be prepared to discuss these with item no. (ii) whenever discussions on these matters can be arranged between the States' Department and the representatives of the Bhopal State.[4] This would not seem to present any insuperable difficulty as there is reason to believe that separate discussions have already been agreed to between the States' Dept. and other States of an equal status with Bhopal State.

4. The Bhopal Government are as anxious to negotiate, on the basis of of equality and freedom, a Standstill Agreement on such matters as are envisaged in clause 7 of the Indian Independence Bill and feel confident that their point of view as explained in paragraph 2 above, will be appreciated. They, therefore, trust that a suitable opportunity for discussions, on the lines already indicated will be afforded them in due course.

[1] Not traced. For the draft Standstill Formula, see Vol. XI, Enclosure to No. 198. See also *ibid.*, No. 287.
[2] See Vol. XI, No. 287, para. 4.
[3] This item presumably dealt with accession by the States to the dominions on the three central subjects of defence, foreign affairs and communications. See Nos. 2 and 75.
[4] For items (ii)-(vi), see No. 75.

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5. As time is very short the Bhopal Government will be grateful if you will kindly forward a copy of their reply direct to the Political Department as well as through the normal channels.

SHUAIB QURESHI

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I(b)

IMPORTANT *18 July 1947, 7.45 pm*
SECRET *Received: 18 July, 10.00 pm*

No. 210–S. Your telegram 1993–S of July 17th.[1] Congress fears about security of Calcutta. There is of course every possibility of trouble from Muslim elements in Calcutta or [sic] as is fairly generally expected, if Boundary Commission allocates Calcutta to West Bengal. There is also an unfortunate proximity of dates about that time. So far as we can see Boundary Commission's award on Bengal is not likely to be made till second week in August. If, as I am told is possible and as would in other conditions be appropriate, August 15th is declared public holiday and if provocative Hindu celebrations are announced or take place, danger of trouble will be greatly enhanced. August 16th is anniversary of last year's "Direct Action" riots. August 18th is ID festival.

2. I am watching developments closely and have already in agreement with Dr P. C. Ghosh, Chief Minister for West Bengal, urged Army Commander to let me have for critical period in August 3 additional Indian Army battalions of full strength to replace equivalent of three British battalions at present assisting civil power in Calcutta who will be withdrawn on August 14th. If, as I hope, Army Commander can agree to this, these troops should be available, over and above present armed forces in Calcutta, at time award is made, and I have asked for them to be brought in some time before British troops are withdrawn. If we get over day or two following announcement of Award I should be hopeful that serious trouble would be avoided on 15th and 16th August. As regards these extra troops for cover, I may have to invoke your good offices with C.-in-C. but will telegraph again if this should become necessary.[2]

3. General[ly] speaking I find it difficult to believe that Muslim leaders really intend to attempt destruction of the City if it is allocated to West Bengal,

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but I am fully alive to possibility that some Muslim elements may get out of hand especially as in all probability most of Muslim leaders will be leaving for Dacca in second week of August and in view also of great probability that Muslim Punjabi Police will be unreliable and partisan. I have had talks with Area Commander and a concrete plan will be ready for execution by date of Boundary Commission Award. I will also confer with Home Dept and Dr P. C. Ghosh. You will appreciate that I cannot let Suhrawardy in on this aspect of internal security.

4. You may assure Nehru that Calcutta shall not be destroyed.

[1] No. 138. The date should be 16 July.

[2] In his tel. 214-S of 20 July, Sir F. Burrows explained that an approach had been made by the Army Commander to G.H.Q. New Delhi for the three extra battalions. Burrows had been hoping for assistance from the resources of the Army Commander and now asked for Mountbatten's support in securing what he described as 'this very necessary reinforcement'. He also urged that the battalions should be in place by 5 August and asked that they should be as strong as possible as they were to replace strong British units. Mountbatten Papers, Official Correspondence Files: Bengal, Situation in, Part I(b). See also No. 289.

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Viceroy's Personal Report No. 13

L/PO/6/123: ff 182–9

TOP SECRET *18 July 1947*

PERSONAL

This has been another busy week. The Partition Council now meets three times a week, on Tuesdays, Thursdays and Saturdays, and in addition there has been much to do in connection with the reconstitution of the Government and the partition of the Armed Forces.

2. There has been little change in the general state of affairs in the country. The Punjab is still unsettled and incidents continue in Calcutta. But on the other hand the referendum in Sylhet was in general clear from strife and the referendum in the Frontier Province is also being carried out in almost peaceful conditions.

3. I intend to go to the Punjab on Sunday to study the situation there and meet the Partition Committee. Abell went down there about a week ago and discussed matters with Jenkins after which Jenkins sent a note[1] of certain points on which his Partition Committee could not agree, but were prepared to accept the decision of the High Commands in our Central Partition Council.

[1] Appendix 'A' to No. 89.

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The points were:—

(*a*) Whether the future Government of East Punjab should plan to move from Lahore or should wait there until the Boundary Commission's award was known. The East Punjab representatives were very anxious not to take any action which could be construed as abandoning their claim to Lahore.

(*b*) The second point was what arrangement should be made for the administration of the disputed districts (now totalling 14 out of the 29 districts of the Punjab) during the period until the Boundary Commission's award could be implemented.

We discussed these points in the Partition Council here and decided that the planning should go ahead on the basis of the notional boundaries and that the transfer of officers should be arranged accordingly, but that I should go to Lahore and try to urge an agreement on the administration of the three Districts seriously in dispute, namely Gurdaspur, Amritsar and Lahore.[2]

4. Radcliffe came back with an optimistic report of the Bengal Boundary Commission in Calcutta. He thought all four Judges were of a higher class than he had expected and were fully determined to work as a team to a programme which would enable Radcliffe to give me his decision by the 12th August. He has arranged that the senior Judge of each side shall take the chair alternately in his absence.

5. Radcliffe then flew on to Lahore where he had satisfactory discussions with the Punjab Boundary Commission. He says that they seemed very reasonable and were on good personal terms with one another. The four Judges had agreed among themselves that Justice Din Mohammed should be their Chairman and when Radcliffe said that he thought there ought to be a system of alternating Chairman in view of the nature of the Commission, they all said that they trusted Din Mohammed and would prefer to leave things as they were. This atmosphere of common sense and tolerance sounds promising but they have an exceedingly difficult problem to tackle, especially if they are to report by August 12th.

6. The Sikhs have warned Jenkins through Giani Kartar Singh[3] that they will have to take violent action if they are not satisfied by the Boundary Commission's award. They said openly that they proposed to sabotage communications, canal systems, headworks, etc. In view of this we shall have to make careful military arrangements and the Partition Council have agreed that, under the control of the Joint Defence Council, there must be a unified military Command in this area.[4] The Commander will probably be Major General Rees, who is at present in the area commanding the 4th Indian Division, and he will have one Muslim and one non-Muslim officer attached to him for

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liaison purposes with the forces of the two Dominions. We shall probably have to get this organisation set up in advance of the announcement of the award, and I shall discuss it with Jenkins and Messervy, the Army Commander, at Lahore.

7. I have prevailed on the Partition Council to let me draft a joint statement giving full assurances to minorities and former political opponents in both Dominions and declaring as a corollary that they will not tolerate any violence in either Dominion, and particularly in the areas affected by the Boundary Commission's awards.[5] The organisation to deal with violence on the boundary will be referred to. I think a statement of this kind will be very useful.

8. The referendum in Sylhet has resulted in a majority of 55,578 votes in favour of the district joining East Bengal. The figures were 239,619 in favour and 184,041 against, the percentage of valid votes to the total electorate being over 77%.[6] As I had complaints from both Nehru[7] and Jinnah[8] about the handling of the referendum, I came to the conclusion there could not have been much wrong with it, and, in spite of Nehru's request for an investigation, I decided the result must stand, particularly as Hydari expressed himself as quite satisfied.[9] I wrote to inform both leaders accordingly.[10]

9. Before my letter reached Nehru the latter had sent a personal telegram[11] to Hydari on the 13th July, and told me about it when we dined together that evening. I attach as Appendices 1 and 2[12] extracts from this telegram and from Hydari's reply, as the material in the latter's telegram may be of value in case echoes of Nehru's assertions find their way into the press at home. It is a great pity that responsible ministers out here should lend their ear to baseless stories of this type.

10. The reconstitution of the Interim Cabinet has been my worst headache to date, for it is an issue on which both sides have made their intentions of resigning and taking no further part in the Government quite clear if they considered that I was breaking faith with them. I would have been prepared to have adhered to the Congress demand that they should be given the portfolios for the whole of India, and Pakistan only shadow portfolios to hold a watching brief for their areas, if I had been staying as the common Governor-General of both; but one of the unfortunate results of my staying on with only one side is that I cannot afford to give a decision which will be publicly denounced as favouring my own future Government.

[2] See No. 148, Case P.C.56/6/47. [3] See Enclosure to No. 56.
[4] See No. 148, Case P.C.47/6/47. [5] See *ibid.*
[6] For a more detailed breakdown of the result, see No. 107.
[7] See No. 95. [8] See No. 98, note 2. [9] See Nos. 68, paras. 5–7, and No. 107.
[10] See No. 98 and its note 2. [11] See No. 94. [12] Not printed.

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11. Last week I reported that Mr. Jinnah seemed disposed to accept.[13] At the next meeting I had with him, however, he made it clear that the League Members would refuse to resign and if dismissed would publicly declare their intention to take no further part in the Government of India.[14] I need hardly point out that this would have made my position quite impossible. I therefore set about once more trying to find a new formula, the details of which are given in the press communiqué which I shall issue to the press to-morrow, and a copy of which is attached as Appendix 3.[15] I also attach a copy of my Order as Appendix 4.[16]

12. Krishna Menon and V. P. Menon managed to sell this idea to Nehru and Patel respectively, though not without great difficulty; for basically both these leaders would like to see Jinnah told where he gets off.[17]

13. Jinnah, whom I saw in the presence of Liaquat Ali Khan, instead of being delighted with my new solution, said he would give it his careful attention.[18] I told him I was not asking for his views or advice since this was an Order I was not making in Council, and it was entirely my own business.

14. As he and Liaquat Ali Khan were leaving I kept back Liaquat for a moment to make it quite clear that I could not make orders in Council amending the 1935 Act for the new Dominion of Pakistan on the advice of Jinnah, since he was going to become the constitutional Governor-General of Pakistan and therefore could no longer give me his advice on this matter. I said that I did not wish to rub this point into Jinnah, but that I wished him to be under no illusion that I would take no advice whatever from him on this matter from now on, and would only act on the advice of my new Pakistan Executive Council. I said that if the Council wished to consult Jinnah before giving me advice that was their concern.[19]

15. I raised the matter at the full Cabinet meeting on the 16th July and it was accepted by both parties without much trouble.[20] I added that this was probably the last time that the Interim Government would meet in its present form and I thanked all members for the help and assistance which they had given me both individually and as a team during the past vital four months.

16. In connection with the reconstitution of the Armed Forces one thing that has clearly emerged and been accepted by the Partition Council is the need for many British officers and other ranks, including technical personnel, to stay on at least for the transition period of about eight months, and preferably longer. They are, of course required in addition to the Supreme Commander and senior officers of the Joint Defence Headquarters and were they all to leave suddenly on the transfer of power there would be a very grave risk of breakdown of the whole administrative machine and the training programme.

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17. Auchinleck expressed the view strongly to me that in view of the calumny and abuse, particularly in the press, from which British officers had suffered in recent years, very few would remain on after the 15th August unless they received a personal appeal from me.[21] I secured the co-operation of Nehru and Jinnah[22] and attach as Appendix 5[23] a copy of the printed appeal which was despatched by aircraft to all Commands over the week-end. Auchinleck is not too hopeful about the result but I have a feeling that we shall get sufficient volunteers now it is known that so many British officers in high appointments are remaining on for the transition period.

18. We had a very remarkable Partition Council meeting on the 15th July[24] in which seven items were disposed of in under 25 minutes, and we spent the last half hour merely gossiping. If only all meetings out here could be disposed of at this pace!! This reflects great credit on the Steering Committee, H.M. Patel, and his Muslim colleague, Mahomed Ali, who are putting in an enormous amount of preliminary work with great success, as is shown by this result.

[Para. 19, on the question of shipping to England the exhibits for the Indian Art Exhibition, omitted.]

20. I have written to Nehru[25] in the last few days about the reduction in my personal staff after the transfer of power. The four I.C.S. members of the Private Secretary's Office will, of course, leave at once. These are Sir George Abell, the Private Secretary, Mr. W. H. J. Christie, the Joint Private Secretary, Mr. I. D. Scott, the Deputy Private Secretary and Mr. C. P. Scott, the Assistant Private Secretary. In regard to the special team brought out from the U.K., Nehru, Jinnah and all the leaders, even Gandhi, have warmly welcomed the suggestion that Ismay and a few staff officers should remain on with me, probably for the whole transition period.[26] Not only are Ismay's great experience and sound advice appreciated but both sides visualise that he will be of the greatest help in paying frequent visits to Karachi and acting as a high level link with Jinnah. I do not feel it would be justified to retain Sir Eric Mieville as well, and he will be returning at the end of August. I am also giving up two of my British As.D.C., and there will be a corresponding reduction in the clerical establishment.

[13] See No. 65, para. 18. [14] See No. 82, para. 1. [15] Not printed; see No. 155.
[16] Not printed; see No. 170. [17] cf. No. 53. [18] See No. 112, Item 1.
[19] *Ibid.* [20] See No. 127.
[21] cf. No. 113, paras. 1, 2 and 8; see also No. 88, para. 3.
[22] See No. 65, para. 11.
[23] Not printed; for the appeal as issued, see Enclosure to No. 80.
[24] Mountbatten Papers, Partition Council Minutes.
[25] For Lord Mountbatten's letter, dated 14 July 1947, see Mountbatten Papers, Official Correspondence Files: Viceroy's Staff, Future of.
[26] cf. No. 112 Item 4. See also Lord Mountbatten's tel. 1961-S dated 14 July 1947. Mountbatten Papers, Official Correspondence Files: Viceroy's Staff, Future of.

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21. My regular secretary, Captain (S) R. V. Brockman, RN, will remain on as Secretary to the Governor-General (Personal) and I have suggested to Nehru[27] that it might be an excellent thing for him to appoint one of his own officers as Secretary to the Governor-General (Official), who could have offices both in the Secretariat and in Government House and who could be a channel for all official papers and a link with Government Departments, although he would, of course, work in close association with my Personal Secretary.

22. I have also written to Nehru[28] to let me know what he would wish me to do about the Viceroy's House and Viceregal Lodge, Simla, and I have emphasised particularly that if it would help him, I shall be very glad to move into a smaller house and cut my domestic staff right down.

23. I gave a large dinner party on the 14th July in honour of the French community, in celebration of their national day, which was attended by members of the Government and many other Indians; and speeches were exchanged in French. This morning, Friday the 18th July, I held an investiture in the Durbar Hall, and this evening we are giving a large dinner party attended by Nehru with the whole Cabinet, Jinnah, and several of the Princes, to celebrate our silver wedding. If I may be forgiven a personal reminiscence it was in the old Viceregal Lodge here that I became engaged over 25 years ago. Several of the Ruling Princes who are coming were on the Prince of Wales's Staff with me at that time.

24. Progress has been made on the plans for official ceremonies on the transfer of power. I intend to go to Karachi on the 14th August and had proposed to come back the same day, but as Ramazan will still be on, Jinnah has asked that I should stay to a State dinner, so I shall have to defer my departure. The ceremonies in Delhi will take place on the 15th August, after which I shall probably go down to Bombay to say farewell to the first contingent of British troops due to leave on the 17th August.

25. In previous reports[29] I have expressed the hope that I would be able to persuade the new Dominions to have the Union Jack in the upper canton of their flags as do other members of the Commonwealth. This design has not been accepted by either party. Jinnah, in turning down the suggestion, explained that it would be repugnant to the religious feelings of the Muslims to have a flag with a Christian cross alongside the crescent. He also said that it would be difficult to "sell" such an idea to his extremists at the present time.[30]

26. Nehru asked if I would mind if Congress rejected the design on the grounds that, although Gandhi, Patel and others had originally expressed their willingness to accept it, they had now come to the conclusion that the general

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feeling among Congress extremists was that the leaders were pandering far too much to the British; and that this had reached a point at which it was inadvisable to press the design on them. Nehru has now sent in a design, prepared by a Committee of the Constituent Assembly, of the future Indian Dominion flag. This is in the same colours as the existing Congress flag, but with the wheel from the Sarnath Asokan capital replacing the spinning wheel in the centre of the flag.

27. I have not pressed the leaders any further to accept the inclusion of the Union Jack in the flags of the two new Dominions, but I have suggested as an alternative that the Union Jack itself should be hoisted either on the same flagstaff as the Dominion flag, or on a neighbouring flagstaff on the "recognised" days in the year. I am supplying the leaders with a list of such days and both Nehru and Jinnah thought that this scheme would be acceptable if it were not publicised.[31]

28. Both leaders have provisionally accepted the idea that the two Dominion navies should follow the custom of other Dominion navies in flying the white ensign of the Commonwealth at the ensign staff and the Dominion flag at the jackstaff. Both leaders were anxious that this should not be publicised but should simply happen as a matter of routine. In fact they are worried about their extremists agitating against over-stressing the British connection, although they are quite willing to retain it themselves.

29. Both Jinnah and Nehru have agreed that the two Governors-General should fly the recognised Dominion Governors-General flag—i.e. a blue flag with a gold crown and the name of the Dominion, and I am now working out proposals for Governors' flags, ADC's armlets, etc.

30. Jinnah now issues his own Court Circular and it appears in "Dawn" every day headed simply "Qaed-e-Azam". This is the title by which he is generally known among Muslims in India and it means, I understand, "The great law-giver".

M. OF B.

[27] See Lord Mountbatten's letter cited in note 25 above.

[28] *Ibid.*

[29] See eg Vol. XI, No. 369, para. 40. Paras. 25–29 of VPR No. 13 are based upon a note on Flags dated 17 July which was circulated as V.C.P. No. 132. Mountbatten Papers, Official Correspondence Files: Transfer of Power, Ceremonies for, Part I(1).

[30] See No. 82, para. 7.

[31] See No. 112, Item 2. See also Lord Mountbatten's tel. 2035-S dated 19 July 1947. Mountbatten Papers, Official Correspondence Files: Transfer of Power, Ceremonies for, Part I(1).

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India and Burma Committee. Paper I.B.(47)143

L/P&S/13/1842: f 61

TRAVANCORE

MEMORANDUM BY THE MINISTER OF SUPPLY

SECRET MINISTRY OF SUPPLY, *18 July 1947*

In connection with the Secretary of State for India's memorandum on Travancore (I.B.(47)139)[1] the Committee should be aware of the following considerations.

2. Thorium may become a source material for atomic energy work comparable in importance with uranium. The richest known deposit of monazite sand (the source material of thorium) is in Travancore.

3. After negotiations last winter, an Agreement[2] was signed on 2nd April, 1947 securing to the U.K. substantial exports of monazite in return for our help in setting up plant in Travancore for treating monazite, from which the thorium content would still be secured to the U.K.

4. When the Agreement was made the Dewan stipulated that its fulfilment was dependent on the continuance of normal conditions and that "any fundamental change of policy on the part of the British Government or the Indian Government or any *force majeure* will have to be recognised as disabling factors". The Dewan has recently offered some criticisms of detailed proposals which we have made for the implementation of the contract, and the Secretary of State for India fears that he may be anxious to denounce the Agreement.

5. I doubt whether this is so, but the Dewan will undoubtedly try to turn the situation to his advantage in his campaign for independence by hinting that, if he is forced into close association with the Indian Dominions, their policy with regard to the conservation of India's natural resources will almost certainly bring about a situation which would threaten the fulfilment of the Agreement.

6. From my point of view, therefore, it would be an advantage if Travancore retained political and economic independence, at least for the time being; but I realise that considerations of broad policy make it impossible for H.M.G. actively to encourage this.

7. I do, however, suggest that while we should no doubt "avoid any statement which would give this State leverage in asserting its independence or economic autonomy", we should equally avoid any fresh action, over and above the broad statements on policy already made, which would give the Indian Dominions leverage in combating Travancore's claim for independence,

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and so strengthen the Dewan's bargaining position in discussions with us on the monazite agreement.

8. Whatever may be the legal or constitutional position, our chances of getting monazite from Travancore ultimately depend on the goodwill of the Government of the State, and of the Dewan in particular. I would urge, therefore, that, so far as general policy allows, nothing should be done to alienate that goodwill.

J. W[ILMOT]

[1] No. 106. From noting on the file it appears that neither the above memorandum nor No. 106, though circulated to the India and Burma Committee, were actually put on its Agenda. The Ministry of Supply were content that the India Office should bear their Minister's views in mind in the handling of Travancore. L/P &S/13/1842: ff 46–7.

[2] See Vol. IX, No. 469, note 6.

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Indian Independence Act, 1947

10 & 11 GEO.6.CH. 30

L/P&J/10/124: ff 2–12

ARRANGEMENT OF SECTIONS

Section.

1. The new Dominions.
2. Territories of the new Dominions.
3. Bengal and Assam.
4. The Punjab.
5. The Governor-General of the new Dominions.
6. Legislation for the new Dominions.
7. Consequences of the setting up of the new Dominions.
8. Temporary provision as to government of each of the new Dominions.
9. Orders for bringing this Act into force.
10. Secretary of State's services, etc.
11. Indian armed forces.
12. British forces in India.
13. Naval forces.
14. Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.
15. Legal proceedings by and against the Secretary of State.
16. Aden.

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17. Divorce jurisdiction.
18. Provisions as to existing laws, etc.
19. Interpretation, etc.
20. Short title.

SCHEDULES:

First Schedule—Bengal Districts provisionally included in the new Province of East Bengal.

Second Schedule—Districts provisionally included in the new Province of West Punjab.

Third Schedule[1]—Modifications of Army Act and Air Force Act in relation to British forces.

CHAPTER 30.

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

(18th July 1947)

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The new Dominions.

1.—(1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions", and the said fifteenth day of August is hereafter in this Act referred to as "the appointed day".

Territories of the new Dominions.

2.—(1) Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be—

(*a*) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

(*b*) the territories which, at the date of the passing of this Act, are included in

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the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(*c*) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—

(*a*) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(*b*) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

Bengal and Assam.

26 Geo. 5 & 1 Edw. 8. c. 2.

3.—(1) As from the appointed day—

(*a*) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(*b*) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before

[1] Not printed.

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or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(*a*) the Bengal Districts specified in the First Schedule to this Act, together with in the event mentioned in subsection (2) of this section the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal;

(*b*) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and

(*c*) in the event mentioned in subsection (2) of this section, the District of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression "award" means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

The Punjab.

4.—(1) As from the appointed day—

(*a*) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and

(*b*) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(*a*) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and

(*b*) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression "award," means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

The Governor-General of the new Dominions.

5. For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion:

Provided that, unless and until provision to the contrary is made by a law

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of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

Legislation for the new Dominions.

6.—(1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

Consequences of the setting up of the new Dominions.

7.—(1) As from the appointed day—

(*a*) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(*b*) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States

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or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(*c*) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (*b*) or paragraph (*c*) of this subsection, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indiae Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

Temporary provision as to government of each of the new Dominions.

8.—(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provisions as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that—

(*a*) the said provisions shall apply separately in relation to each of the new Dominions and nothing in this sub-section shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions;

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(*b*) nothing in this subsection shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;

(*c*) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgment as respects any matter shall cease to have effect as from the appointed day;

(*d*) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and

(*e*) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion in addition to the powers exercisable by that Assembly under subsection (1) of this section.

(3) Any provisions of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

Orders for bringing this Act into force.

9.—(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation;

(*b*) for dividing between the new Dominions, and between the new Provinces to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist;

(*c*) for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominions;

(*d*) for removing difficulties arising in connection with the transition to the provisions of this Act;

(*e*) for authorising the carrying on of the business of the Governor-General in Council between the passing of this Act and the appointed day other-

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wise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935;

(*f*) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;

(*g*) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent;

(*h*) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and

(*i*) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgment.

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect—

(*a*) up to the appointed day, in British India;

(*b*) on and after the appointed day, in the new Dominion or Dominions concerned; and

(*c*) outside British India, or, as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day

but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

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(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

Secretary of State's services, etc.

10.—(1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who—

(*a*) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or

(*b*) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions,

shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving or, as the case may be, which are served by the courts in which he is from time to time a judge, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946. 9 & 10 Geo. 6. c. 31

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Indian armed forces.

11.—(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty's Indian forces—

(*a*) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but

(*b*) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

British forces in India.

12.—(1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day—

(*a*) as if His Majesty's Indian forces were not included in the expressions "the forces", "His Majesty's forces" and "the regular forces"; and

(*b*) subject to the further modifications specified in Parts I and II of the Third Schedule to this Act.

(3) Subject to the provisions of subsection (2) of this section, and to any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise, and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilitating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

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(4) The provisions of subsections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if—

(*a*) for the references to the Army Act there were substituted references to the Air Force Act; and

(*b*) for the reference to Part II of the Third Schedule to this Act there were substituted a reference to Part III of that Schedule.

Naval forces.

13.—(1) In the application of the Naval Discipline Act to His Majesty's naval forces, references to His Majesty's navy and His Majesty's ships shall not, as from the appointed day, include references to His Majesty's Indian navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian naval forces, references to His Majesty's navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian navy and the ships thereof.

(3) In section ninety B of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's dominions) the words "or of India" shall be repealed as from the appointed day, wherever those words occur.

Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.

14.—(1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in subsection (1) of this section include functions as respects the management of, and the making of payments in respect of, government debt, and any enactments relating to such debt shall have effect accordingly:

Provided that nothing in this subsection shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the Government of either of the new Dominions the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, as respects the contracting of sterling loans.

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(3) As from the appointed day, there shall not be any such advisers of the Secretary of State as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his advisers, are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in subsection (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this Act had not passed.

Legal proceedings by and against the Secretary of State.

15.—(1) Notwithstanding anything in this Act, and, in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day, shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this subsection, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought—

(*a*) in the case of proceedings in the United Kingdom, by or against the High Commissioner;

(*b*) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned,

and any legal proceedings by or against the Secretary of State in respect of any such right or liability as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid:

Provided that, at any time after the appointed day, the right conferred by this subsection to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending at the date of the passing of the law.

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(3) In this section, the expression "the High Commissioner" means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in Council, by the High Commissioner referred to in section three hundred and two of the Government of India Act, 1935; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty in Council, or of a petition for special leave to appeal to His Majesty in Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

Aden.

16.—(1) Subsections (2) to (4) of section two hundred and eighty-eight of the Government of India Act, 1935 (which confer on His Majesty power to make by Order in Council provision for the government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British Settlements as defined in those Acts) shall apply in relation to Aden as if it were a British Settlement as so defined.

(2) Notwithstanding the repeal of the said subsections (2) to (4), the Orders in Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders in Council, any other Orders in Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders in Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question, by a law of the Legislature of that Dominion the provisions of the said Orders in Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last mentioned courts shall exercise their jurisdiction accordingly.

Divorce jurisdiction.

17.—(1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new

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Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

16 & 17 Geo. 5. c. 40.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

1 Edw. 8 & 1 Geo. 6. c. 57.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section two of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not passed.

Provisions as to existing laws, etc.

18.—(1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, taken together, or taken separately, according as the circumstances and subject matter may require:

Provided that nothing in this subsection shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this subsection is inconsistent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of subsection (1) of this section and to any other express provision of this Act, the Orders in Council made under subsection (5) of section three hundred and eleven of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

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(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

Interpretation, etc.

19.—(1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—

(*a*) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion;

(*b*) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and

(*c*) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—

(*a*) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified—

(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and

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(ii) should it appear that the North West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and

(iii) by the inclusion of members representing West Bengal and East Punjab; and

(iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members theretofore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that Province;

(*b*) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this subsection shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said Assemblies, or as preventing the participation in either of the said Assemblies, in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend and be deemed always to have extended to the making of provision for the matters specified in this proviso.

(4) In this Act, except so far as the context otherwise requires—

references to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946;

9 & 10 Geo. 6. c. 39.

"India", where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935;

"Indian forces" includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions;

"pension" means, in relation to any person, a pension whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;

"Province" means a Governor's Province;

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"remuneration" includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

20. This Act may be cited as the Indian Independence Act, 1947. Short title.

SCHEDULES

FIRST SCHEDULE Section 3.

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL

In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera.
In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh.
In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.
In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

SECOND SCHEDULE Section 4.

DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF WEST PUNJAB

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot.
In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur.
In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/82: f 33

IMMEDIATE INDIA OFFICE, *18 July 1947, 1.30 pm*
Received: 18 July, 7.40 pm

No. 9261. Your 2009–S.[1]

1. Royal Assent has been given today and Bill becomes law with effect from 00.1 hrs [00.01 hrs] today July 18th.

2. Your para. 3. Please send final text by Air Mail.

3. Act will be available in about a week. How many copies do you require[?]

[1] See No. 155, note 1.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET INDIA OFFICE, *18 July 1947*

Dear Mountbatten,

It is, I fear, a fortnight since I wrote to you and in the meanwhile I have received two of your letters and personal reports. At the end of last week, when a letter was due from me, we were all preoccupied with piloting the Bill through Parliament and I felt it would be better to defer writing until that process was completed.

2. In your letter of the 4th July[1] you asked whether it would not be possible to follow in the case of Burma a procedure similar to that adopted in regard to India, namely, to rush through Parliament during the present Session legislation on the basis of dominion status for Burma in the hope that it might still be possible to convince the Burmese of the advantages of remaining in the Commonwealth. I can assure you that the possibility of following this course was fully weighed and that it was with the utmost reluctance that we finally decided that it could not be for the reason that, whether out of honesty or on other grounds, the Burmese leaders made it perfectly clear that there was no possibility of their changing their minds about leaving the Commonwealth and that if power were transferred forthwith on the basis of dominion status, Burma would ask for complete independence at the earliest possible moment thereafter and without making any show at giving dominion status a fair trial. Apart from any question of the prostitution of dominion status, it was at least doubtful whether the Opposition would co-operate to the extent of treating any such legislation as non-controversial and legislation this Session was out of the question on any other basis.

3. In the same letter you referred to Nehru's interest in the appointment of Indian agents in East Africa, the West Indies, Fiji and Mauritius. As a matter of fact, I received a personal letter[2] from Nehru on this matter and am glad to say that the Colonial Office have now agreed in principle to the appointment of such agents, the question of their exact function being left open for negotiation between our High Commissioner in India and the Government of India. I have replied to Nehru's letter on these lines.[3]

4. In paragraph 2 of your Personal Report No. 11[4] you gave us the background to the announcement of 1st July about the partition of the Armed Forces. This announcement naturally took us rather by surprise as we had had no preliminary warning of it but examination of its details revealed no apparent

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defects. The part played by Trivedi in achieving this important success illustrates well the vital importance of the personal factor in the handling of Indian affairs at the present time.

5. I would like to say here how full of admiration I am for the public-spirited and generous way in which you have faced the question of the Governor-Generalships of the new Dominions. The whole affair must have been most baffling and exacting to you personally, but, as you know, everyone here without exception believes that the right course is the one you have so unselfishly decided to follow.

6. I am very sorry that it was not possible, as you suggested,[5] to announce appointments to Governorships during the passage of the Bill through Parliament but I hope that an announcement of at any rate some names will be possible very soon. While it is excellent that Cunningham[6] is willing to return to Peshawar, it is perhaps rather surprising that Killearn[7] feels at all attracted by East Bengal but it would certainly help to raise the status of Eastern Pakistan in the eyes both of Indians and of the outside world if he were finally to accept.

7. I hope you will not have been too disappointed about Slim's refusal to accept the invitation to be Commander-in-Chief of the Army of the new Dominion of India.[8] Personally, I formed the impression that Slim's conviction that he was not in fact the right person for the job was sound and from all that I can hear I think that Lockhart, if the appointment is offered to him, would be a more suitable choice.

8. The future of the Interim Government must have been a perpetual anxiety to you in recent weeks but it is to be hoped that your latest device[9] for bridging the time that remains before 15th August will meet the case.

9. Krishna Menon came to see me on Tuesday. It has to be admitted that in the past the impression he has created in home circles has been by no means favourable but, in view of his selection as High Commissioner[10] in the United Kingdom for the new Dominion of India, it is encouraging to know that his services have been of such assistance to you in the difficult negotiations in Delhi in recent weeks. I am arranging for him to meet some of the Opposition leaders to whom at the moment he is by no means *persona grata*. The great need at India House at the moment is, of course, for someone at the top with real organising and administrative capacity. I rather doubt whether Krishna Menon will supply this need but perhaps he will be wise enough to

[1] Vol. XI, No. 505. [2] Not traced.
[3] Lord Listowel's letter, dated 18 July 1947, is on L/P &J/8/180.
[4] Vol. XI, No. 506. [5] See No. 133, note 2. [6] See No. 31, note 7.
[7] See No. 29, note 1. [8] See No. 31. [9] See No. 155.
[10] See Nos. 55 and 74.

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realise that, if he wishes to concentrate on higher policy, he must find someone as his deputy who will carry out the re-organising of the Office that will be required.

10. In view of what you reported in paragraph 13 of your Personal Report No. 11,[11] it is indeed fortunate that the period to 15th August is so comparatively short. The strain upon you and your staff during this critical period must, I am afraid, be almost unbearable but I trust that after 15th August there will be a relaxation of the tension.

11. I entirely agree with you as to the great political importance of our providing the cruiser which the Congress members of your Cabinet have agreed that they should have.[12] At the moment we are rather held up by the fact that the official telegram from the Defence Department, promised in paragraph 18 of your Personal Report No. 11, has not yet been received and the Admiralty (whose ways will be familiar to you!) stoutly refuse to make any move except on the basis of an official request. The matter was raised in the House of Commons during the Debates on the Bill and the Prime Minister undertook to inform Commander Noble (M.P. for Chelsea) of the decision finally reached in the matter.

12. In paragraph 4 of your letter of 11th July[13] you ask about the new set-up in the Commonwealth Relations Office and to whom you should address your private letters after 15th August. Ismay is fully informed on these matters and will explain the position to you on his return.

13. An intense effort will certainly be required of Radcliffe if the work of the Boundary Commissions is to be completed by 15th August. I have always had a feeling that the reactions of the Sikhs to the decisions of the Punjab Boundary Commission would be one of the most critical danger spots in the process of transferring power and I hope that the services of Major Short,[14] over whose appointment the Treasury have been most helpful, will be of some assistance in this connection.

14. In my telegram No. 9035 of 14th July[15] I sent you a message for transmission to Sir C. P. Ramaswami Aiyer in reply to identical telegrams which the Prime Minister and I had received from him. It is clear that Travancore is going to require very careful handling indeed and that we must avoid any statement which would give the State leverage in asserting its independence or economic autonomy. The report in paragraphs 27–32 of your Personal Report No. 12[16] on the discussions with the representatives of Hyderabad is very encouraging. I do indeed hope that you are right in believing that, if you can get Hyderabad to abandon the idea of complete independence, this would set an example which no other State, not even Travancore, could resist.

15. To-day the Indian Independence Bill has received the Royal Assent and

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we have fulfilled our intention with two days to spare. I was able to be present for part of the Second Reading Debate in the House of Commons and was, of course, present throughout the taking of all stages of the Bill in the House of Lords on Wednesday but could not find the time to attend the Committee Stage or Third Reading in the Commons. On the whole the Opposition in both Houses have been most co-operative and constructive in their criticism. It looked at the last moment as if the programme might be delayed in the House of Lords by the tabling of some amendments by Lord Rankeillour but in view of the course of the debate he did not even move them.

16. Ismay left this morning. His presence has, as usual, been most valuable and he will be able to bring back to you first-hand impressions of the atmosphere in both Houses of Parliament.

17. To turn to other matters, it is unfortunate that Nehru has not responded to Smuts's efforts to secure a détente between the Government of India and the Union about the Indians in South Africa.[17] He appears to be unwilling to co-operate unless Smuts accepts the implications of the U.N.O. Resolution, i.e. admits that U.N.O. has the right to intervene in matters of this kind, that the arrangements entered into between the Union and India in the past have the status of international obligations and that consequently the Asiatic Land Tenure Act[18] will have to be suspended or withdrawn. This, however, might mean political suicide for Smuts. He has already lost an important by-election mainly because of his alleged liberal attitude towards Indians, and if he goes further his fall at the 1948 election in the Union seems certain. The result would be the return to power of Malan and the Nationalists, whose extreme views towards Indians are well known. This is surely not in Nehru's interests.

18. It would be very desirable to avoid at the next meeting of the U.N.O. Assembly a repetition of last year's controversy. The State Department, who like ourselves are uneasy about the position, have suggested to the Canadians that they might try to find out what the position is and we have privately advised the Canadians to make discreet enquiries both from the Union and from the Government of India as to the line each proposes to take. Bottomley, the Parliamentary Under Secretary of State in the new Commonwealth Relations Office, will take any opportunity he has in the course of the visit he is now paying to South Africa to talk the matter over with Smuts. I gather that Smuts has had considerable success with the moderate Indian leaders in South Africa,

[11] Vol. X, No. 506. [12] *Ibid.*, para. 18.
[13] Mountbatten Papers, Letters to and from the Secretary of State.
[14] See No. 60. [15] No. 106, Enclosure 2. [16] No. 65.
[17] Correspondence between Pandit Nehru and Field Marshal Smuts is on L/E/9/1405.
[18] The Government of India broke off relations with South Africa in 1946 after the South African Parliament had passed the Asiatic Land Tenure and Indian Representation Act, which granted a measure of representation in Parliament to Indians but which simultaneously restricted their freedom to occupy and acquire property in certain parts of the country.

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who are alarmed at the reaction in South Africa to the U.N.O. Resolution and have formed a new organisation with the object of co-operating with the Union Government.

19. All this is, of course, very confidential to yourself. You will doubtless use any opportunity you get to guide Nehru on the path of moderation.

20. You mentioned in your letter of 5th June[19] that the Hon. Mr. Jagjivan Ram, the Labour Member, would be visiting London after the end of the meeting of the International Labour Conference in Geneva. He actually arrived in London the 8th July and we were able to arrange that his time in London was used to the maximum advantage. In addition to interviews with the Prime Minister, Bevin, Cripps and Alexander as well as with Henderson and myself, Ram was taken to see various Ministry of Labour training centres etc., and also attended a Garden Party at the Palace as well as being present in the Commons for the Second Reading debate on the Indian Independence Bill. We also gave him a small official lunch which was attended by Nanda, the other Indian Delegate in Geneva, as well as Lall, the Secretary of the Labour Department and the principal members of the Indian Sterling Balances Delegation. Ram seemed to have enjoyed himself and I think that he will consider that his trip to London has been well worth while. We were, of course, grieved to hear of the air crash at Basra but are thankful for his miraculous escape.

[Paras. 21–23 on the Empire Forestry Conference and the Indian Art Exhibition, omitted.]

24. When I saw Amery the other day he threw out the suggestion that you might find it helpful to have on your staff during the next few months someone who was versed in Dominions procedure. The idea struck me as a good one and Ismay, to whom I mentioned it this morning, thought that it might meet your need if you were to have the advice of such a person even for a month or six weeks; it would probably be very difficult, if not impossible, to spare anyone for longer. I am making some quite tentative enquiries but if you feel that the idea is worth pursuing, it would be helpful if you would let me know.

Yours sincerely,

LISTOWEL

P.S.

Since writing paragraph 9 above I have met Krishna Menon at lunch and he would be very grateful if you would take an opportunity of mentioning to Nehru that I am, at my own suggestion, arranging for him (Krishna Menon) to meet Opposition leaders in view of the fact that, as High Commissioner, he will be brought into official contact with them.

[19] Vol. XI, No. 90.

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Mr Krishna Menon to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Demi-official Correspondence Files: Menon, V. K. Krishna

PERSONAL 47 STRAND, LONDON, W.C.2, *18 July 1947*

My dear Lord Mountbatten,

I hope you feel a slight sense of relief that the Bill has become law and that your efforts have been successful. H.M.G. have been better than their word on time-table. The Lords were particularly tame and co-operative. The undercurrent of opposition in the Commons did not come to much, though obviously the Opposition had been briefed. Some of the "efforts" of those who must have thought they were being helpful to us (and are our side) to "organise" public opinion were not very helpful—particularly letters to the *Times* and circularisation of back bench M.P.'s! However, it is all over, even though there is little of enthusiasm anywhere. Partition and strife cast their shadows dark and long.

Your letter[1] and a personal note[2] from Jawaharlal which I brought were sent to Downing Street on Sunday last when I arrived here. It was at once sent on to Chequers, where the P.M. was. His secretary telephoned me before six and the P.M. saw me at 10 the next morning. You have educated them all in hustling! The P.M. was glad to see me and to hear about you and about all the news. I then tried to put our case about the States.[3] He called in the Law Officers and Henderson, and we had about seventy minutes over it. Mr Attlee was anxious to help. We went over the amendments to Clause 7, and even tried some other devices. The Law Officers, who appear most crusted, were stogy [? stodgy], and the P.M. felt unable to do anything beyond saying something in speeches. They were all of opinion that Mysore and Benares could not revert to pre-treaty positions as they had acquired sovereignty under British suzerainty. It is all an odd kind of constitutional theory and will not hold good outside Whitehall, but there it was. There was no lack of desire on the part of the P.M. to be of assistance.

I found there and everywhere else that the "Führer" had overplayed his hand. Mr J's last effort smells very badly, and even the man in the street has begun to understand the business. I rather suspect it helped the speedy passage of the legislation in the Commons and unnerved the Opposition.

I have also seen Listowel,[4] Henderson and Cripps, all of whom promised to do what they could in speeches to indicate that H.M.G. would not welcome

[1] See No. 55, note 1. [2] See No. 74. [3] See Nos. 123 and 152.
[4] See No. 166, para. 9.

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Balkanisation or Dominion Status for Princes. All of these were very co-operative. Altogether there is a new atmosphere in this country. One could not help wishing that it were so in India also. But I am afraid that this won't be the case, and I have done my best to indicate fully to all concerned this aspect of the situation and its reasons—which I thought desirable.

* * *

Affectionate regards,
KRISHNA

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 178

IMMEDIATE NEW DELHI, *18 July 1947, 11.00 pm*
SECRET *Received: 18 July, 10.45 pm*

No. 2036-S. Your telegram 9189 of July 17th.[1]
Order was deliberately expressed to derive from sub-section (2) of Section 40 in the Ninth Schedule as well as from para (*e*) of sub-section (1) of Section 9 of Indian Independence Act and my advisers remain of opinion that reference to former provision is entirely appropriate.

2. Word 'future' has already been inserted.

3. I would have no strong objection to your suggestion on para 6 but the text of the draft order has already been seen by the whole Cabinet and I think it is unnecessary to change it now.

4. Your para 2. Answer to question in last sentence is YES[2] so far as the draft order is concerned. Communiqué however makes it clear that the two groups can meet jointly under the chairmanship of the Governor-General to consider matters of common concern. Save to the extent to which the order otherwise provides all matters brought before the Executive Council will necessarily be brought before the full Council.

5. You para 3. I appreciate your point about the Frontier but if the Referendum goes in Jinnah's favour the question is one which will affect Pakistan very closely and I cannot leave it to be settled in Peshawar. Experience of the party differences in Lahore and Calcutta shows that these matters have got to be dealt with in consultation with the High Command. Thus practical considerations outweigh the constitutional point you mention.

[1] No. 147. [2] Emphasis in original.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Telegram, L/WS/1/1092: f 240

IMMEDIATE INDIA OFFICE, *18 July 1947, 11.30 pm*
Received: 19 July, 1.00 pm

No. 9305. Your 1983–S dated 15th July.[1]

1. Paragraph 3. In order to avoid possibility of misconception arising as to role of British Forces remaining in India after August 15th, we now agree that you make a public statement to the effect that, since responsibility for maintaining law and order from that date will rest with the Governments of India and Pakistan, British Forces will not be used operationally and will not be available to intervene in internal disorder.

2. Paragraph 4. It is realized that unnecessary inconvenience may be caused if families are moved to the U.K. ahead of the troops and we agree that, as far as possible, families should move with the units concerned. In any case arrangements should be made that families are moved NOT[2] later than the troops.

[Para. 3, on location of R.A.F. Transport Squadrons, omitted.]

[1] No. 124. [2] Emphasis in original.

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The Gazette of India Extraordinary

R/3/1/160: f 189

NEW DELHI, *19 July 1947*

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)

NOTIFICATION

New Delhi, the 19th July, 1947

NO. G.G.O. 1.—The following Order made by the Governor-General is published for general information:

THE EXECUTIVE COUNCIL (TRANSITIONAL PROVISIONS) ORDER, 1947

In exercise of the powers conferred by sub-section (2) of section 40 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and by paragraph (*e*) of sub-section (1) of section 9 of the Indian Independence Act, 1947, the Governor-General is pleased to make the following Order, namely:

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1. This Order may be cited as the Executive Council (Transitional Provisions) Order, 1947.

2. (1) In this Order "existing Department" means any Department of the Government of India in existence immediately before the commencement of this Order.

(2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Each existing Department shall be renamed by adding the word "India" in brackets at the end of its former designation and, each such Department shall, as from the commencement of this Order, handle cases exclusively or predominantly concerning the future Dominion of India.

4. As from the commencement of this Order, there shall be created a Department corresponding with each existing Department, and each new Department so created—

(*a*) shall bear the same designation as the existing Department with the addition of the word "Pakistan" in brackets; and

(*b*) shall handle cases exclusively or predominantly concerning the future Dominion of Pakistan.

5. Cases of common concern to the two future Dominions shall be handled in consultation by the appropriate Indian Department and the appropriate Pakistan Department.

6. The India and Pakistan Departments shall respectively be in charge of such members of the Executive Council as the Governor-General may nominate in that behalf.

7. (1) For the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of India members of the Executive Council in charge of Pakistan Departments shall not be entitled to attend the meetings of the Council; and for the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of Pakistan, members of the Executive Council in charge of India Departments shall not be entitled to attend the meetings of the Council.

(2) Any question as to whether a case exclusively or predominantly concerns the future Dominion of India or Pakistan or is a case of common concern to both those Dominions shall be determined for the purposes of this Order by the Governor-General, whose determination shall be final.

8. Any provisions contained in the Ninth Schedule to the Government of India Act, 1935, or any rules or orders made thereunder shall, to the extent to

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which it is inconsistent with the provisions of this Order, cease to have effect.

MOUNTBATTEN OF BURMA
Governor-General
K. V. K. SUNDARAM
Officer on Special Duty

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Meeting of the Partition Council, Case No. P.C.69/7/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present during discussion of this item at this Meeting held on 19 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Sir E. Mieville, Mr H. M. Patel, Mr Mohamad Ali, Mr Osman Ali, Lieutenant-Colonel Erskine Crum

Case No. P.C.69/7/47 Future economic relations between the two Dominions

HIS EXCELLENCY said he had recently been meeting some industrial magnates[1] who had raised the question of the future economic relations between the two Dominions. They had brought to his notice the flight of capital from Pakistan territory which was ascribed partly to the fear of Pakistan imposing restrictive legislation on non-Muslims' business activities; and expressed their anxiety to check it, as it would, if allowed to continue, dislocate business in both Dominions. The specific case of cotton had been mentioned in this connection. For some years past the normal practice had been for the cotton grown in the Punjab and Sind to be milled largely in Indian territory. There were obvious and sound reasons for continuing this practice but the businessmen concerned were afraid to go ahead with their purchases of cotton because of their uncertainty regarding Pakistan's policy in this matter. Continuing, H.E. said he was convinced that the present tendency was unhealthy from the point of view of both Dominions and he felt it was his duty to bring these facts to the notice of both parties. He thought a possible remedy might be found if some of these big businessmen were invited to discuss the matter with the Council or with representatives of the two Dominions.

MR JINNAH said that he resented the allegations spread by mischievous propaganda that non-Muslim industrialists in Pakistan would not get a fair deal. He had also met some non-Muslim industrialists (who were not citizens of Pakistan) in the past week who had expressed the desire to do business in

[1] There is a brief account of Lord Mountbatten's meetings with Mr Birla and Sir P. Thakurdas on 28 and 29 June respectively in a note by Mr I. D. Scott entitled, 'The Flight of Capital from Pakistan', which was circulated as V.C.P. No. 122. Mountbatten Papers, Official Correspondence Files: Pakistan.

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Pakistan but who were afraid that they would be discriminated against as foreigners. He had dispelled their fears on this score and assured them that although they would be technically foreigners, no distinction or discrimination would be drawn against them and they would be allowed full facilities to carry on their normal business. There were now three courses open to us: (*a*) to minimise, (*b*) to encourage or (*c*) to ignore the present developments. Since both parties had accepted partition, he was in entire agreement with His Excellency that they should make joint efforts to minimise this tendency.

SARDAR PATEL said that in his view it would be best to let things work themselves out. We had agreed on partition, and we must face some of the inevitable consequences of which this was one.

MR LIAQUAT ALI pointed out that one of the Expert Committees was at present examining the question of economic relations between the two Dominions, and would be reporting on the extent to which the present arrangements could be continued at least till March 1948. The Council's decisions on its recommendations should have the effect of dispelling uncertainties and vague apprehensions.

HIS EXCELLENCY said that in view of Mr Liaquat Ali's statement the best course would be for the letters he had received[2] from businessmen to be placed before the Expert Committee as evidence of the prevailing anxieties in the business-world. He would inform the industrial magnates.

[2] A letter from Mr Birla and a memorandum by Sir P. Thakurdas are mentioned in Mr Scott's note but they are not on the file.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/160: f 181

SECRET EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, *19 July 1947*

Dear Lord Mountbatten,

In view of the reconstruction of the Government that has taken place, I have consulted my colleagues and we are of opinion that at present only provisional arrangements should be made. We shall undoubtedly have to add to the number of members of the Government,[1] but we do not wish to do so immediately. We may be able to suggest names for additional members in the near future. Meanwhile, all arrangements are strictly provisional and subject to change.

We propose that the following existing members of the Cabinet should continue:

Sardar Vallabhbhai Patel,

Maulana Abul Kalam Azad,

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Dr Rajendra Prasad,
Dr John Matthai,
Sri Rajagopalachari,
Sardar Baldev Singh,
Mr Jagjivanram,
Mr C. H. Bhabha and
Jawaharlal Nehru.

These existing members will continue to hold their present portfolios and will, in addition, take charge of the five portfolios and departments vacated by the Muslim League nominees. This will be done in the following manner:

Finance: Mr C. Rajagopalchari,
Communications: Dr John Matthai,
Commerce: Mr Bhabha,
Health: Mr Jagjivanram,
Law: Jawaharlal Nehru.

As Mr Jagjivanram has not returned yet and it is not quite clear how soon he will be able to take charge because of his injury, I am prepared to take temporary charge of the Health Department, till Mr Jagjivanram can do so, or till some other arrangement is made.

These arrangements, I would repeat, are provisional only and subject to change in future.

Yours sincerely,
JAWAHARLAL NEHRU

[1] See No. 127.

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Sir G. Abell to Mr Liaquat Ali Khan

R/3/1/160: ff 182, 184

19 July 1947

My dear Mr Liaquat Ali Khan,
This morning you gave the distribution of portfolios in the provisional Government of Pakistan to H.E., and he asks me to write to you as was arranged at the meeting for your confirmation that the list enclosed is correct. Could your reply please be telephoned.

Yours sincerely,
G. E. B. ABELL

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Enclosure to No. 173

DISTRIBUTION OF PORTFOLIOS[1]

Name	*Portfolios*
The Hon'ble Mr Liaquat Ali Khan	Finance, External Affairs, Commonwealth Relations and Defence.
The Hon'ble Mr I. I. Chundrigar	Commerce, Industries and Supplies, Works, Mines & Power.
The Hon'ble Mr Abdur Rab Nishtar	Communications, Railways, Transport, Information and Broadcasting, and States.
The Hon'ble Mr Ghazanfar Ali Khan	Health, Food and Agriculture and Home.
The Hon'ble Mr Jogendra Nath Mandal	Law, Education and Art, and Labour.

[1] Upon receipt of Mr Liaquat Ali Khan's confirmation, the details of the Provisional Government of Pakistan, together with those of the Indian Cabinet, were released in a communiqué which was issued at 8 pm I.S.T. on 8 July. R/3/1/160: f 185.

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Minutes of Viceroy's Twentieth Miscellaneous Meeting

R/3/1/166: ff 24–7

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 19 July 1947 at 3.30 pm were: Rear-Admiral Viscount Mountbatten of Burma, Nawabzada Mohammed Aslam Khan, Sir Sultan Ahmed, Sardar Nishtar, Mr Akhtar Hussain, Sir C. Corfield, Mr E. B. Wakefield; Lieutenant-Colonel Erskine Crum (Secretariat)

HIS EXCELLENCY'S OPENING REMARKS

HIS EXCELLENCY welcomed the Kalat Delegation. He explained that it was his desire, as Crown Representative, to settle all matters of potential dispute between the States and the two new Dominions by 15th August.

UNDISPUTED AREAS OF KALAT

HIS EXCELLENCY said that he understood that the districts of Kalat which all concerned acknowledged to be directly administered by the Khan were Makran, Jhalawan, Sarawan, Kachhi and Dombki and Kaheri.

DISPUTED AREAS

HIS EXCELLENCY said that he understood that the status of Kharan and Las Bela was disputed to the extent that the rulers thereof claimed not to be under

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the suzerainty of the Khan of Kalat. This, however, was a matter for future discussion between the parties concerned and not for the present meeting.

THE LEGAL POSITION OF KALAT

HIS EXCELLENCY asked whether it was considered that Kalat's status in relation to the Crown was that of an Indian State or different.

NAWABZADA MOHAMMED ASLAM KHAN said that Kalat's position was, in his opinion, defined in the Treaty of 1876, according to which Kalat was an independent sovereign State in treaty relations with the British Government, and did not rank as an Indian State.

HIS EXCELLENCY said that he was willing to accept that position for purposes of negotiation. Mr. Nishtar said that he also would not contest it.

THE LEASED AREAS

HIS EXCELLENCY said that he understood that the four leased areas of Quetta, Nushki, Nasirabad and Bolan[1] were to be the main subject of the present discussion.

He explained that the claim that these areas should be returned to Kalat after the transfer of power was resisted by the representatives of the future Pakistan Government. Their opinion was based on the grounds that the successor authorities in India would, in relation to foreign States, inherit all Treaty obligations incurred on behalf of India; and that the Pakistan Government would be heir to the obligations (both burdens and benefits) arising out of Treaties made with Kalat—as they would be, for example, to the Anglo-Afghan Treaty of 1921.

NAWABZADA MOHAMMED ASLAM KHAN said that Kalat submitted that the leases clearly stated that, whereas on the one side His Highness, his heirs and successors, were affected, the other party was the British Government alone. There was no provision for transfer or inheritance of the leases from the British Government, to which they were personal.

MR. NISHTAR said that he did not agree that these were "personal" agreements. Personal agreements were those which by their nature implied that only a particular person was involved.

SIR SULTAN AHMED said that, as he understood it, the word "personal" had a wider legal meaning. He gave his opinion that the rights and obligations arising out of the Treaty of 1876 could not be transferred to a successor Government. This Treaty had not been made by Kalat with the Government of India, but with the British Government as such. The Kalat representatives could not accept the legal position as understood by the representatives of Pakistan.

HIS EXCELLENCY said that he himself had also been advised that, according

[1] The terms upon which these areas were leased by the Khan of Kalat to the British Government are explained in a note by Mr E. Wakefield entitled, 'Kalat: Legal Position', which was sent to Sir G. Abell on 19 July. R/3/1/166: ff 29–30.

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to international law, treaties such as this were not invalidated by a transfer of power, but were inherited by the successor authorities. Treaties with States over which the Crown had exercised paramountcy, on the other hand, lapsed. Particular provision was made for this in the Indian Independence Bill.

HIS EXCELLENCY suggested that if, after further discussion, there was no agreement between the interested parties on the legal position, the case might eventually be put before the Arbitral Tribunal. SIR SULTAN AHMED suggested, and it was agreed, that the Khan of Kalat should first talk over the matter with Mr. Jinnah.

NAWABZADA MOHAMMED ASLAM KHAN said that, if the eventual decision in this matter was in their favour, the Kalat representatives would still be willing to enter into negotiations on the future of Quetta and do their utmost to meet the Pakistan Government's wishes in a reasonable manner but, with regard to the other three leased areas, they saw no reason why these should not return to Kalat without further discussion.

HIS EXCELLENCY pointed out that Nasirabad would be of no value if the irrigation supply was cut off. If Nasirabad was returned, some arrangements would have to be made in advance for the continuation of this supply. This was a question of mutual interest.

With regard to Nushki, NAWABZADA MOHAMMED ASLAM KHAN said that the railway facilities could continue to be used by Pakistan, whatever the legal decision.

MR. NISHTAR said that he did not consider that it would be in the interest of Kalat to have a common frontier with Afghanistan.

NAWABZADA MOHAMMED ASLAM KHAN said that he believed that a vote taken among representatives of the leased areas on the issue of their joining Pakistan or going to Kalat would result in a decision in favour of the latter. A number of petitions to this effect had been received. He pointed out that previously the only issue had been as between Hindustan and Pakistan.

MR NISHTAR did not agree that such a vote was likely to have that result. He said that he considered it better, at the present meeting, not to go into the question of the petitions which had been made.

THE FUTURE OF KALAT AS A WHOLE

HIS EXCELLENCY said that he also wished to discuss the future of Kalat as a whole. He explained that he was going to see representatives of the States the following week with a view to suggesting to them that they should adhere to one or other of the Dominions. The Union of India had reduced their demands in this respect to adherence only on the three main subjects of Foreign Affairs, Defence and Communications. In the case of Pakistan, Mr. Jinnah was prepared, as there were so few States concerned, to discuss with each, individually, the question of the method and degree of adherence.

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HIS EXCELLENCY pointed out that the British Government had been very anxious to establish the position that, on the transfer of power, paramountcy would lapse and States would de jure become independent; but, de facto, very few were likely to benefit from independence. Moreover, adherence to a Dominion Government would be the only method, in the future, of maintaining some form of relationship between the Crown and the States. For Kalat, although there was complete liberty of choice, he could personally advise no course other than association on some terms with Pakistan.

NAWABZADA MOHAMMED ASLAK KHAN said that the Khan of Kalat had the deepest desire to remain on friendly terms with Pakistan. He was prepared to come to an amicable settlement to mutual benefit. He had, in particular, the highest respect for Mr. Jinnah.

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Mr Rumbold to Mr Davies

L/P&S/13/1842: f 65

POL. 1112/47 INDIA OFFICE, *19 July 1947*

BY HAND

Dear Davies,

Will you please refer to your letter No. 15392/47 of 18th July regarding trade between Ceylon and Travancore.[1]

2. The United Kingdom are also receiving approaches from the Dewan of Travancore, broadly of the same type as those which Ceylon is receiving. The answer which we are giving is that we are anxious to continue to trade with Travancore as at present and I think that the Ceylon Government ought to be advised to make a similar reply. It might be explained to them that the implication of it is that they should continue to trade with Travancore through the same channels as are used at present.

3. The Dewan of Travancore appears to be trying to get trade discussions going on a government to government basis and I think that we should resist this so far as we can because, however informal governmental contacts with Travancore might be, they would at this delicate juncture give Travancore the encouragement which we do not want her to have to continue to try to stand out for independence.

Yours sincerely,

H. A. F. RUMBOLD

[1] Sir C. P. Ramaswami Aiyar had made suggestions to the Ceylon Government representative in India as to ways in which trade between Ceylon and Travancore might be continued and increased. Mr Davies's letter of 19 July sought advice about the guidance that should be given by the Colonial Office to the Ceylon Government regarding its response to these approaches. L/P &S/13/1842: f 66.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(a)

SECRET INDIA OFFICE, *19 July 1947, 12.40 pm*
Received: 19 July, 10.00 pm

No. 9298. I learn from Foreign Office that on July 4th French Embassy London informed them that Hyderabad Trade Commissioner in London had proposed to them establishment in Paris of Hyderabad Diplomatic Mission after August 15th to cover the whole of Europe. Trade Commissioner was going to Paris on July 11th to discuss this with French Government. There are indications that French Government are not entirely sound on this issue.

2. Our policy in connection with Indian States was explained to French Embassy on usual lines.

3. French Embassy also stated that Hyderabad Government have invited to Hyderabad two French archaeologists from L'École Française De L'Extrême Orient and that this invitation has been settled.

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Government of India, External Affairs and Commonwealth Relations Department to H. M. M. Kabul (Extract)

Telegram, L/P&S/12/1812: f276

IMMEDIATE NEW DELHI, *19 July 1947, 11.20 pm*
Received in India Office: 20 July, 00.35 am

No. 166.[1] Katadon No. 64[2] and Forminka No. 68.[3] Future of North West Frontier Province.

2. In view of Shah Mahmud's more reasonable attitude and on the understanding that he will not in any sense be regarded or treated as an official emissary of Afghan Government, Government of India agree that there might be advantage in establishing informal personal contacts with him at Delhi and are prepared to facilitate these.

* * *

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Repeated to Secretary of State for India, Washington and North West Frontier Province (copy by post to Baluchistan and U.K. High Commissioner).

[1] Repeated to Secretary of State for India as tel. 5702.
[2] No. 132. [3] No. 142, note 2.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma[1]

Telegram, L/P&J/10/141: f 118

IMPORTANT INDIA OFFICE, *19 July 1947, 11.30 pm*
Received: 20 July, 10.10 am

No. 9329. Your telegram No. 2018–S of 18th July.[2] We are awaiting Weightman's reply.

2. I await further telegram promised in your para 3. Meanwhile proposition seems doubtful on following grounds.

3. Section 290 of 1935 Act requires that Federal Legislature (which for this purpose would be Pakistan Constituent Assembly) should be consulted before Governor's Province is created and I do not see how Section 290 could be adapted consistently with Section 8(2) of Indian Independence Act in such a way as to make such consultation unnecessary.

4. Moreover I do not see how purposes of Section 8(2) could be fulfilled unless constitutional machinery of new Province were to be on same lines as that in other Governor's Provinces. This would involve creation of a Provincial Legislature, of which the Ministers would ordinarily be members (Sections 51(2) and 60 of 1935 Act). Would Jinnah be willing or able to set up necessary machinery (which would of course include making provision in regard to such matters as constituencies and franchise) merely to cover period until Constituent Assembly has drawn up a new constitution for Baluchistan?[3]

[1] In a covering note submitting a draft of this telegram Mr Rumbold minuted: 'I think there may be virtue in bringing home to Mr Jinnah in the relatively unimportant context of whether British Baluchistan should become a Governor's Province, the important point that there are definite limitations on the order-making power contained in Section 9 of the Indian Independence Act and that the Governor-General is not a complete dictator.' L/P&J/10/141: f 119.

[2] No. 158.

[3] In tel. 2071–S of 21 July Lord Mountbatten replied that Sir G. Spence agreed with the view that there were legal difficulties in creating a Governor's Province in Baluchistan at once. Mountbatten added: 'There is also point that unless tribal areas are included in new Province it is absurdly small and there has been a move from tribal areas to come in. Spence will discuss whole matter with Jinnah; meantime it cannot be regarded as certain that appointment will be a Governor's appointment'. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1). In the event, Baluchistan did not immediately become a Governor's Province. When Mr Weightman declined the offer of the governorship (No. 233), an approach was made to Sir G. Prior to stay on as AGG Baluchistan. Prior stayed on until 4 October 1947 when he was replaced by Sir A. Dundas who served until 1948.

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5. I am still awaiting reply to paragraph 3 of my telegram No. 9037[4] before approaching King about Mudie and Hidayatullah.

[4] In para. 3 of this tel. Lord Listowel explained that before he could make recommendations to the King in respect of Sir Ghulam Hussain Hidayatullah and Sir Francis Mudie (see No. 29), he needed to know whether they had accepted the offers of governorships and whether resignations had been received from the retiring governors. In tel. 2071-S of 21 July Lord Mountbatten confirmed that the resignations had been received and in tel. 2962-S of 26 July confirmed that Hidayatullah and Mudie had accepted and that the King's approval could therefore be obtained. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (1).

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(b)

CONFIDENTIAL NEW DELHI, *19 July 1947, 00.20 am*
Received: 20 July, 00.35 am

No. 2051-S. There are certain demands of the states outstanding for arms and ammunition for their regular forces and police. The main items are some 9 thousand muskets, 8 thousand rifles, 16 hundred revolvers, 62 automatics and 4 million rounds of ammunition.

2. There are also demands outstanding for arms and ammunition for the Indian States Forces. The exact amounts are not known by the Political Dept or the Military Adviser-in-Chief, as indents are placed direct by local military advisers on the Defence Dept.

3. The supply of arms and ammunition against all these indents has been suspended by the Defence Member[1] and although this is officially based on the Cabinet Stand Still order which I issued I do not doubt the position is also a political one related to the attempt to persuade the states to federate with the Dominion of India or at all events not to arm those who refuse to join.

4. The discussions about federation are proceeding in a fairly promising way. The States Dept have taken a sensible line, and ask only for federation on the minimum three subjects which will be closely defined so as to remove the fear that they will be gradually extended later.

5. Though it is out of the question for me to approve the holding up of arms as a bargaining counter in these negotiations, I should be regarded as deliberately sabotaging the negotiations if I were to take up now the question of amending my own General Stand Still order and thus overruling the Defence

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Member's orders or alternatively were to issue direct orders of my own to the Defence Dept.

6. Whatever I do it is very doubtful if I can secure actual delivery of these arms before the 15th August even by amicable persuasion of the Congress group in the Government.

7. I propose therefore to keep the matter pending for the moment and take no immediate action.[2]

[1] cf. Annex 'A' to No. 66.

[2] Lord Listowel replied in tel. 9681 of 28 July: 'I agree with your conclusions', adding that 'if Governments of new Dominions maintain this embargo we shall find States seeking to place orders with manufacturers in United Kingdom, U.S.A., etc.' L/WS/1/1167.

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Sir G. Abell to Sir A. Carter (Extract)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (I)

IMMEDIATE
CONFIDENTIAL

NEW DELHI, *20 July 1947, 00.15 am*
Received: 20 July, 00.30 am

No. 2052-S. Your 9262 July 18th.[1] Cunningham.[2]

2. Viceroy has had further talk with Jinnah. Jinnah is most anxious to have Cunningham, but is genuinely embarrassed at any suggestion that one Governor should be treated in a special way. He points out that concession would not remain secret and three other British Governors are involved.

* * *

6. H.E. is most anxious that Cunningham should accept, and hopes Secretary of State will appeal to him to do so. He would also be grateful for a very early decision so that Cunningham's name may be submitted to the King.

[1] and [2] See No. 31, note 7. Tel. 9262 of 18 July dealt with a problem which had arisen over Sir G. Cunningham's conditions of service. Cunningham originally stipulated that his salary as governor of the N.W.F.P. should be tax-free as compensation for the expense of maintaining a home in the U.K. and the loss of a Director's fee. When Mr Jinnah indicated his unwillingness to make this concession, Sir A. Carter suggested in tel. 9262 that Cunningham should receive a single lump sum payment of between £2,000 and £2,500 in sterling as compensation for disturbance. Upon receipt of tel. 2052-S from Sir G. Abell, Carter wrote to Cunningham on 21 July: 'We do all feel here that Jinnah has behaved very badly and has taken advantage of you'. Cunningham, however, accepted Jinnah's terms. On 23 July, in a letter to Abell expressing disapproval of Jinnah's attitude, Carter concluded: '. . . I am quite sure that Jinnah won't be able to get Europeans to help him from this country, as he seems to desire, unless he shows a very much more generous spirit than he has in relation to Cunningham's appointment'. L/P&J/7/12362.

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7. The need to seize every vacancy for Governorships offered to the British seems to all of us out here of paramount importance for future good relations. The prospects of Pakistan remaining within Commonwealth may partly depend on this.

* * *

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/158: f 108

NO. 1446/16 *20 July 1947*

Dear Mr Nehru,

I have your letter No. F.7(7)-PS/47 of 15th July[1] regarding the Sylhet referendum. I am glad to note, and entirely agree with, your view that such irregularities as there were could not have affected the result of the referendum.

2. I have no doubt that Sir B. N. Rau is right when he says that there is an apparent contradiction between paragraph 13 of the Statement of June 3rd and clause 3(3) of the Bill. So far as I can recollect, there was however no intention of treating the Sylhet district differently from the Muslim majority districts of Bengal set out in the Schedule, and I think it was always understood that in the event of the Sylhet referendum being in favour of amalgamation with East Bengal, the provisional boundaries of that province would include Sylhet district subject to the final decision of the Boundary Commission. I fully appreciate the difficulty in transferring and retransferring territory from Assam to East Bengal and *vice versa*. But as you point out, the problem arises also in regard to the division of Bengal and the Punjab.

3. In my announcement of June 30th setting up the two boundary commissions, the Bengal Commission has been asked to demarcate not only the boundary between East Bengal and West Bengal, but also, if the result of the Sylhet referendum requires it, the boundary between East Bengal and Assam. Your suggestion that in order to expedite the work a third boundary commission might be appointed is attractive, but since at the instance of the Partition Council the plural form "awards of Boundary Commissions" used in the original draft Bill has been amended in the House of Commons to read "*the* award of *a* Boundary Commission", it seems to preclude me from appointing another. The appointment of two assessors representing Assam will, I am

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afraid, have the effect of delaying matters. In any case the Bengal Boundary Commission are so arranging their work as to have the award out including Sylhet before August 15th.

Yours sincerely,
MOUNTBATTEN OF BURMA

[1] No. 114.

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Sir E. Mieville to Mr Jinnah

R/3/1/165: f 23

PERSONAL *20 July 1947*
NO. 90/11
Dear Mr Jinnah,
H.E. the Viceroy, who is away today (Sunday) at Lahore, has asked me to let you know that Lockhart has just telegraphed[1] him to the effect that all present information including private talks with Ministers indicated that the Frontier ministry has no intention of resigning. He added, however, that Dr. Khan Sahib had indicated yesterday (Saturday), in private conversation, that if he could be assured that a general election would be held in the reasonably near future he would resign.

H.E. the Viceroy asked me to let you have this for your personal information.

Yours sincerely,
ERIC MIEVILLE

[1] No. CA/148 of 19 July. R/3/1/165: f 22.

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Sir E. Mieville[1] to Mr Jinnah

R/3/1/165: f 24

20 July 1947

Dear Mr Jinnah,
The Governor of the Frontier Province has reported[2] to me the result of a lengthy conversation which he had with Dr. Khan Sahib and Khan Abdul Ghaffar Khan on the 14th July. Abdul Ghaffar Khan said that he would like to meet you and would be prepared to negotiate on the following terms which, if you accepted them, would result in his Party accepting Pakistan:—

[1] Lord Mountbatten instructed Sir E. Mieville to sign and send this letter in his absence.
[2] See No. 130.

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(i) Complete provincial autonomy for the Province in all matters except defence, external affairs and communications.

(ii) The right of any party to move for the secession of the Province from the Dominion, in the same way that a Dominion has the right to secede from a Commonwealth, should it so desire.

(iii) That it should be open to areas contiguous to the Province, which are included in the present boundaries of British India and are inhabited by Pathans, to ask to become part of the N.W.F.P. and, if they do, be included in it.

2. Will you kindly let me know whether you would be willing to meet Abdul Ghaffar Khan and discuss an agreement on this basis, so that I can inform the Governor?

Yours sincerely,
ERIC C. MIEVILLE

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Minutes of Viceroy's Twenty-First Miscellaneous Meeting

Mountbatten Papers

SECRET

Those present at this Meeting held at Government House, Lahore, on 20 July 1947 at 10.30 am were: Rear-Admiral Viscount Mountbatten of Burma, Sir E. Jenkins, Lieutenant-General Sir F. Messervy, Major-General T. W. Rees, Brigadier A. de L. Cazenove; Sir G. Abell, Lieutenant-Colonel Erskine Crum

MILITARY MEASURES IN THE PUNJAB[1]

SIR FRANK MESSERVY and MAJOR-GENERAL REES recommended that the districts[2] in which special military measures should be taken should be:—

SIALKOT
GUJRANWALA
SHEIKHUPURA
LYALLPUR
MONTGOMERY
LAHORE
AMRITSAR
GURDASPUR
HOSHIARPUR
JULLUNDUR
FEROZEPORE

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For operations in these districts, Major-General Rees would be responsible to both Dominion Governments, through the Supreme Commander and the Joint Defence Council. It was stated that the troops under his Command would include five brigades and an armoured regiment. The tanks of the latter would be spread out over the whole area.

It was agreed to recommend that this system should come into effect on 1st August. It was stated that the advisers to be attached to Major-General Rees' staff would be Brigadier Brar (a Muslim) from Pakistan and Brigadier Tiwana (a Sikh) from India.[3]

SIR FRANK MESSERVY considered that it would be preferable to have ordinances covering all eleven districts rather than to declare martial law in some. There were insufficient officers to carry out martial law. The Punjab Public Safety Act, the Punjab Disturbed Areas Act and the Governor-General's Ordinance on Special Powers for the Armed Forces were the measures which would have to be continued in operation.

HIS EXCELLENCY THE VICEROY said that he would take the necessary action to this end; it might, however, still be necessary to declare martial law if the situation got out of hand.

THE RETENTION OF BRITISH OFFICERS IN THE INDIAN ARMED FORCES

THE VICEROY, at Sir Frank Messervy's suggestion, undertook to find out whether British officers who served with Dominion of India forces for one year, and were thereafter no longer required, could then volunteer for Pakistan.

SIR FRANK MESSERVY said that the decision of a large number of officers on whether or not to stay on would depend on the leave terms granted. The initial reaction to these had not been favourable. He suggested particularly that officers on leave on the date of the transfer of power should be allowed to complete their leave and volunteer for a year from the date of their return to duty. THE VICEROY undertook to discuss this point with the Commander-in-Chief—and the wider possibility of improving the leave terms as a whole if the general response of British officers was not good.

POSTING OF OFFICIALS IN THE PUNJAB

It was decided that the best solution was that postings should continue on the basis of the notional partition except for the three districts of Gurdaspur,

[1] See Nos. 102 and 148, Case No. P.C.47/6/47.

[2] A note by the Viceroy's Staff listing these districts was circulated as V.C.P. No. 135. It was approved by Lord Mountbatten at his Staff Meeting on 21 July and then circulated to members of the Partition Council for the meeting the following day. Mountbatten Papers.

[3] These details are the wrong way round. They should read: Brigadier Brar (a Sikh) from India and Brigadier Tiwana (a Muslim) from Pakistan. The name of the adviser for Pakistan was later changed; see No. 205, note 2.

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Amritsar and Lahore. In these, the Deputy Commissioners and Superintendents of Police were British, and they would stay on until the decisions of the Boundary Commission were made known, when nominees of the party concerned should replace them.

MUSLIM OFFICIALS

THE VICEROY asked Sir Evan Jenkins to let him have a note[4] about certain Muslim officials, with a view to this being shown to Mr. Jinnah; and also about Mr. Henderson and Mr. Coates, who had, though ready to volunteer, been turned down by the Muslims because of their impartiality—but who were perhaps still willing to serve in the Central Pakistan Government.

[4] By verbal arrangement with Sir E. Jenkins, it was decided that Sir G. Abell should write the note. See Abell's note, 21 July 1947. Mountbatten Papers, Official Correspondence Files: Punjab, PartII(b).

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Mr. V. P. Menon to Sir G. Abell

R/3/1/144: f 50

SECRET GOVERNMENT OF INDIA, STATES DEPARTMENT,
20 July 1947

My dear George,

H.E. is seeing Sir C. P. tomorrow at 3 p.m. In this connection he should read—

(1) my letter to Sir C. P. dated 14.7.47.[1]
(2) Sir C. P.'s letter to the Resident of the Madras States, dated 10.7.47.[2]
(3) Draft Instrument of Accession which I have discussed with the States' representatives.[3]

2. I had an hour's talk with Sir C. P. this morning. I told him about H.E.'s present plan and also mentioned to him that I had written a letter[4] to him in Travancore explaining the present development. He told me that he had not received the letter, and I have today sent him a copy of it together with a copy of the draft Instrument of Accession which I had prepared for discussion with the States' representatives. I mentioned to him that many of the States were favourably inclined to adopt the course proposed, and asked him what would be the attitude of the Travancore Government.

3. As you know, the Union Constitution Committee of the Constituent Assembly has proposed to divert to the Union Centre the revenues from customs, import and export duties etc. Travancore is a maritime State deriving its revenue largely from these heads which account for half the revenue of the State. This is really Sir C. P.'s objection to accession to the Union. Sir C. P. mentioned to me that if he acceded on these conditions Travancore

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would be reduced to a fifth-rate State. I told him that H.E.'s plan had nothing to do with the new Constitution. His plan is to ask the States to accede on the three subjects of Defence, External Affairs and Communications as defined in the 1935 Act and subject to the limitations contained in that Act. He said he was not aware of this approach at all, and he promised to study the Instrument of Accession, which I promised to send him, before he met H.E. tomorrow afternoon.

4. I then went over the ground covered in my letter to him of the 14th July which sums up the main arguments for the States acceding on the three subjects. I stressed the advantage of an integrated India both for Travancore and for British India, and mentioned to him about the communist menace now threatening both British India and the States. The progress which the communists have made from 1939 uptodate is alarming. If this threat is to be dealt with, the States should join hands with the Right Wing of the Congress. Therein lies the safety for the future of this country. If the States came in, they would be automatically represented in the Dominion Legislature which would be the Constituent Assembly, and the States' representatives would be able to act as a brake on the headlong career of British India.

5. I suggest that in tomorrow's discussion, H.E. should tie Sir C. P. down on the question of accession only. If he raises the loss to Travancore as a result of some of the existing agreements between British India and the State, he should say that this could be negotiated on a standstill basis without much difficulty once the main issue is out of the way.

6. H.E. should also play on the communist menace. Sir C. P. was rather frightened about it. His State itself is not free from this plague.

7. Lastly, H.E. should say that here is a golden opportunity for the State to play its part. Accession of Travancore to the Federation will be hailed throughout India as a great act of statesmanship; and it will not entail any financial loss to the State. On the other hand, in the shaping of the future destinies of India, Travancore could play a very important part since its representatives would be sitting in the Dominion Legislature.

8. The accession of the States on the three subjects as mentioned in my letter to Sir C. P. involves the States surrendering legislative and executive authority on these matters. Sir C. P. may demand that the executive authority in the State could only be exercised by his officers. So far as major States are concerned, this is not unreasonable. But if it is raised, H.E. could say that this is a matter which can be adjusted by negotiation and agreement.

[1] No. 104. [2] No. 58.
[3] For the final version of the Instrument of Accession, see Enclosure 1 to No. 313.
[4] No. 104.

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9. Sir C. P. proposes to leave on the 23rd and I suggest that H.E. should have one more talk with him if in his first talk no progress is made. The impression left in my mind was that he was favourably disposed to the approach which we are making now.

Yours sincerely,
V. P. MENON

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Sardar Nishtar to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/138: f 173

DEPARTMENT OF COMMUNICATIONS, 26 FEROZESHAH ROAD, NEW DELHI, *20 July 1947*

Dear Lord Mountbatten,

I am leaving tomorrow for Karachi and will probably return on Wednesday. I am sending you a suggestion in connection with the States Conference which is to be held on the 25th instant. I understand that at the Conference you propose to discuss with the representatives of various States *inter alia* the question of their accession to one or the other Dominion and the Standstill Agreement. As you know these are matters of vital importance and can be successfully dealt with only if the representatives of the two future Dominions are present at the Conference. Therefore I think it would be better if those members of the Congress and Muslim League who normally attend the Partition Council are invited to attend the Conference. In their absence I believe the discussion may not prove very fruitful because occasions may arise when an authoritative declaration on behalf of the Dominion concerned on certain points arising out of discussion becomes necessary. So far I do not know whether you propose to invite the two members who represent the State Departments of the present Government of India, namely Sardar Patel and myself. But even if we are present as Members in charge of State Departments, we could speak only on behalf of our respective sections of the present Government of India and not on behalf of the future Dominions of India and Pakistan; and I hope you will agree with me that it is the concern of the representatives of the future Dominions to negotiate with regard to the important matters that will be discussed at the Conference.

I had pointed out to you during our discussion on the 18th instant[1] that at present representations are arranged by Political Department on the basis of set groups but in view of the fact that the States put together in certain groups have adopted different attitudes on the question of joining the Indian Constituent Assembly it is essential that those States who have not joined the said

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Constituent Assembly are given separate representation because representatives belonging to the States who have decided to join the Indian Constituent Assembly cannot properly represent the views of the others. As a matter of fact one of the main objects of the conference, if I have correctly understood it, is to persuade those who are keeping away so far, therefore their representation is more needed than that of others. You were pleased to direct your Private Secretary to bring the matter to the notice of Sir Conrad Corfield. I hope necessary steps have been taken in that direction.

Yours sincerely,
A. R. NISHTAR

[1] No. 159.

187

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: North-West Frontier Province, Situation in, Part II

MOST IMMEDIATE NEW DELHI, *20 July 1947, 1.15 pm*
Received: 20 July, 1.15 pm

No. 543–GT. 1. The result of the North West Frontier Province Referendum is as follows:

(*a*) Valid votes for Pakistan 289,244.

(*b*) Valid votes for India 2874.

(*c*) Majority 286,370.

(*d*) Percentage of valid votes to total electorate entitled to vote 50.99 per cent.

(*e*) Valid votes cast in last general election 375,989.

2. Total electorate entitled to vote in referendum was 572,798 therefore votes for Pakistan were 50.49 per cent.

3. Leaders are being informed of result which will be released to the press at 1730 I.S.T. on July 20th.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: f 25

MOST IMMEDIATE *20 July 1947, 5.00 pm*
SECRET *Received: 20 July, 9.30 pm*

No. CA/149. Post Referendum problem. My GH 116 9th July[1] last paragraph.

First. I assume Your Excellency will regard result[2] of Referendum as decisive vote for Pakistan and therefore of policy contrary to present Ministry's.

Second. Following is present position.

(*a*) Present Ministry unlikely to resign.

(*b*) I see no hope of Coalition.

(*c*) Moslem League most averse to present Ministry remaining in office till 15th August. Deputation of local League leaders told me so today.

(*d*) Congress party would resent League Ministry.

(*e*) I believe each party would prefer section 93. I realise that under section 93 all opprobrium will fall on British.

(*f*) There is risk of trouble. Section 93 might be least likely to provoke it.

Third. Request therefore permission, if I cannot persuade Ministry to resign and accept League Ministry, to dismiss Ministers and assume powers under section 93 of Government of India Act. Propose my advisers be Mallam Revenue Commissioner and Curtis Development Secretary. Neither Khan Sahib nor Abdul Qayum seemed keen on non-official advisers.

[1] No. 45. [2] No. 187.

189

Note by Sir G. Abell

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)

21 July 1947

H.E. the Governor asked H.E. in Lahore whether he agreed with the general policy of letting the Sikhs blow off steam and not attempting to put their leaders in jail owing to their inflammatory utterances. The Governor felt it would only make matters worse if action was taken against the Sikhs and H.E. agreed. Place on file.

G. E. B. ABELL

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Sir G. Abell to Mr Beaumont

R/3/1/157: f 187

NO. 1446/17 *21 July 1947*

My dear Christopher,

H.E. was in Lahore yesterday, and the Governor represented to him that it would be of great practical advantage if he could be given advance information of the general purport of the Award of the Boundary Commission when the time comes. Even a few hours warning would be better than none, as the nature of the Award would affect the distribution of police and troops. If it is possible to give us an abstract here in advance we could telegraph it in secret cipher to the Governor.

Yours,
GEORGE ABELL

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Minutes of Viceroy's Sixty-First Staff Meeting, Items 2, 4 and 6

Mountbatten Papers

SECRET

Those present during discussions of Items 2, 4 and 6 of this Meeting held at The Viceroy's House, New Delhi, on 21 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Sir E. Mieville, Sir G. Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum.

Item 2

ISSUES CONNECTED WITH THE PARTITION WORK IN THE PUNJAB (V.C.P. 136)[1]

This note had been prepared as a result of the Viceroy's visit to Lahore the previous day. In the morning he had held a meeting with the Punjab Partition Committee. It was intended that this note should be put before the Central Partition Council so that they might take note of it.

THE VICEROY said that he had made a tour of the riot areas in Lahore on the afternoon of the previous day. It was of interest to note that only 5% of the walled city, and 1% of the whole city had been destroyed. On the other hand, 50% of the Hindu population were believed to have left the city.

[1] Lord Mountbatten's note is summarised in paras. 6–12 of No. 228.

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HIS EXCELLENCY THE VICEROY:

approved V.C.P. 136 and directed Con. Sec. to arrange for this paper to be circulated to members of the Partition Council for the meeting the following day.

Item 4

THE NORTH-WEST FRONTIER PROVINCE

Reference was made to a telegram,[2] received that morning from the Governor of the North-West Frontier Province, concerning the post-referendum problem in that Province. The Governor requested permission, if he could not persuade the present Ministry to resign and to accept a Muslim League Ministry, to dismiss the Ministers and assume power under Section 93 of the Government of India Act.

HIS EXCELLENCY recalled that he had already decided[3] that he would seek the advice of the Pakistan Executive Council on the form of Government for the North-West Frontier Province.

RAO BAHADUR MENON pointed out that constitutionally the decision on this matter was the Viceroy's own responsibility; but he agreed that the Viceroy was bound, in view of the statement on the reconstitution of the Interim Government, to act on advice.

HIS EXCELLENCY THE VICEROY:

(i) directed P.S.V. to ask Mr Liaquat Ali Khan to suggest a time for a meeting of the Pakistan Executive Council to discuss the future Government of the North-West Frontier Province;

(ii) directed P.S.V. to arrange, if the Governor of the North-West Frontier Province agreed, for Dr Khan Sahib to visit Delhi for discussion of this subject.

Item 6

BALUCHISTAN

SIR GEORGE ABELL stated that Sir George Spence agreed with the ruling[4] given by the Secretary of State that Baluchistan could not be made a Governor's Province without the Legislature being consulted. It was further pointed out that the present area of British Baluchistan was extremely small; that there had already been approaches from the tribal areas to join it; and that further action towards declaring it a Governor's Province might profitably await the result of these approaches.

HIS EXCELLENCY THE VICEROY:

directed P.S.V. to arrange for Sir George Spence to discuss this matter with Mr Jinnah.

[2] No. 188. [3] See No. 76, Item 5. [4] See No. 178.

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Record of Interview between Mr Symon and Sir C. P. Ramaswami Aiyar (Extract)

L/P&S/13/1842: f 31

21 July 1947

At his request I called on Sir C. P. Ramaswami Aiyar at Travancore House at 11.30 this morning.

2. He opened the conversation by a reference to what he termed the undue haste shown by His Majesty's Government in dealing with the constitutional change and to the lack of consideration which, he said, had been given to the States by His Majesty's Government. He said that insufficient time had been given to the States to deal with such important issues. Another six months would have enabled him to have prepared for the new situation.

3. He then went on to say that Travancore had no wish to have anything to do with the communal questions which had split the country. They had no quarrel with either India of [or] Pakistan but wished to be left alone. He was convinced in his own mind that civil war was more or less inevitable—that it would take place within a short time—and that there could be no settlement in the north until Mr Jinnah decided in some way that East Punjab must be returned to Pakistan. He said that even Mr Gandhi must inevitably come round to the view.

4. The Dewan said that he had been invited to see the Viceroy this afternoon and that he assumed that His Excellency would put forward proposals which might lead to Travancore's entry into the Indian Union. He was going to the meeting determined to reject any such proposal outright. He was, however, concerned about the threats of an economic boycott of Travancore by India. It was for this reason that he had entered into agreement with Mr Jinnah for the supply of foodstuffs from Pakistan. If the threats of an Indian boycott extended to such things as steel, cement, etc, it would be essential for Travancore to arrange imports from other sources. Hence his request to Colonel Peacock of John Mowlem & Co., Ltd., to proceed to England to ascertain whether he could rely on supplies from the United Kingdom.[1] Colonel Peacock had not yet returned but he understood that the result of Colonel Peacock's visit was satisfactory.

5. The Dewan then proceeded to say that it had already been agreed to exchange representatives between Travancore and Pakistan. He would also send representatives to other countries, for example Turkey. Whether His

[1] See IRKU 440 of 2 July 1947. L/E/8/4875: ff 268–9.

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Majesty's Government recognised what he was doing at this stage did not immediately concern him, though he hoped that ultimately His Majesty's Government would accord recognition. At this stage he did not seek any formal arrangements with his Majesty's Government but it was essential that trading arrangements between the two countries should continue as before and that nothing should be done to prevent the flow of supplies from the United Kingdom to Travancore. As an illustration of this he said that if India refused to supply Travancore with textiles he must look to the United Kingdom to meet the demands of the State.

A. C. B. SYMON

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I(b)

NO. 746/3 *21 July 1947*

Dear Mr Nehru,

You spoke to me the other day about the situation in Calcutta, and your fear that the Muslims might attempt to burn the city before leaving it; and you asked me whether I was satisfied that the Governor had been able to take adequate precautions against possible trouble.[1]

I asked the Governor for a report,[2] and he has replied[3] that there is of course every possibility of trouble from Muslim elements in Calcutta, and that the danger will be increased if the 15th August is declared a public holiday and if provocative Hindu celebrations take place. Perhaps you could use your influence to prevent any provocation.

The Governor has asked for additional Indian Army battalions to replace British troops who are being withdrawn on the 14th August, and is hopeful that with their assistance serious trouble will be avoided on the 15th and 16th August. A plan of action will be ready by the time the Boundary Commission's award is announced.

The Governor asks me to assure you that every possible step will be taken to ensure that Calcutta will not be destroyed.

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] cf. No. 138. [2] See *ibid.* [3] No. 161.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Bengal, Partition of, Part II(a)

SECRET 17 YORK ROAD, NEW DELHI, *21 July 1947*

Dear Lord Mountbatten,

You will remember that I mentioned to you in the course of a recent interview[1] that Dr P. C. Ghosh, the prospective Prime Minister of West Bengal, had written to me about Calcutta. From information received by him and his colleagues in the Cabinet it appeared that there was grave danger of disturbances in Calcutta when the report of the Boundary Commission comes out. Dr Ghosh has come up to Delhi for a day and I have had a long talk with him.

2. He gave me some account of the difficulties he was facing both on the Muslim and the Hindu side. There was considerable tension and excitement between them and a general expectation of and preparation for conflict in Calcutta. Meanwhile, while there is a kind of shadow Cabinet for West Bengal, in effect the administrative machinery for the whole of Bengal is continuing as previously under the charge of the old Muslim League Ministers. Some changes and transfers have, however, been made.

3. In about three weeks' time the full separation of Bengal will have to take place. Presumably the Boundary Commission will have given its award by then. We can hardly wait till then to begin the process of separation. It is clear that the city of Calcutta will fall in West Bengal. It is desirable, therefore, that the new arrangements at the Centre should be applied to Bengal also immediately. Some adjustments may be made later on after the Boundary Commission has reported. But in the main the division of administrative functions should take place now. It was decided some time ago that the procedure adopted in Bengal shall be similar to that adopted at the Centre. At the Centre the process of separation of those who have opted for Pakistan has already taken place or is taking place, and the Pakistan Departments are being run separately preparatory to their departure for Karachi. In accordance with this, a like procedure should be adopted in Bengal and those who have opted for Pakistan or East Bengal should henceforward be in charge only of the East Bengal area, and West Bengal, including Calcutta, should be in charge of the Ministers for that area. It is obviously necessary that officers who have chosen Pakistan for their future activities should have nothing further to do with

[1] cf. No. 138.

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West Bengal area. Their continued retention in West Bengal and Calcutta only leads to friction and to charges and counter-charges being made against one another. So also officers in East Bengal who have opted for West Bengal should hand over charge and be sent to West Bengal. If no immediate appointment can be made of these people, they might even be given two or three weeks' leave. The point is that each set of officers should function entirely separately and should not come into each other's way.

4. In regard to Calcutta very early steps have to be taken to make these transfers and to take all precautions to prevent any serious disturbances. At the present moment Calcutta has, I believe, seven battalions, some British and some Indian. Among these are Punjabi Musalmans and Gurkhas. The Punjabi Musalmans are unfortunately bitterly anti-Hindu and the Gurkhas are anti-Muslim. There have been serious complaints about the behaviour of the PMs. In any event there is no reason to retain these PMs in Calcutta in future. They can be transferred to East Bengal or some other place in Pakistan.

5. The position appears to be that unless full precautions are taken previously, even an attempt to transfer these PMs might give rise to trouble. Therefore it seems necessary that sufficient Indian troops should be sent to Calcutta first and then the PMs should be transferred. I understand from Dr Ghosh, and he tells me that the Governor agrees with him in this matter, that seven battalions in all are necessary in Calcutta. That would probably mean sending three or four additional Indian battalions to Calcutta as the British troops are likely to be withdrawn and the PMs will be transferred. If this is to be done, it has to be done immediately so that the additional troops might be in Calcutta by the 3rd August. The PMs could be withdrawn and transferred then. I understand from Dr Ghosh that the Governor agrees with these proposals. Dr Ghosh suggests that an Indian Brigadier be placed in command of the troops in Calcutta.

6. In the event of the situation deteriorating in Calcutta, there will be immediate repercussions in other parts of Bengal, notably East Bengal. The tragic events that happened in Noakhali[2] last last year followed Calcutta happenings. Calcutta thus becomes the key to the situation and has to be fully protected from the possibility of any disturbance. There should also be no dual authority in Calcutta or elsewhere in Bengal as this leads to continuous difficulties and a lack of decision at a critical moment. Hence the necessity for separating administratively and otherwise East and West Bengal, subject to subsequent decisions of the Boundary Commission. Dr Ghosh was of the opinion that by the 3rd August many of these processes should be completed so that the new order has begun to function when the Boundary Commission's report comes out. Of course, whatever may be done will not be treated

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as a precedent by the Boundary Commission whose final award will have to be given effect to.[3]

Yours sincerely,
JAWAHARLAL NEHRU

[2] See Vol. IX, Enclosure to No. 51 and No. 102.
[3] A manuscript note at the top of this letter indicates that Lord Mountbatten discussed the issues raised during his interview with Pandit Nehru on 22 July. No record of this interview has been traced. Mountbatten, however, covered some of Nehru's points in his discussions during his visits to Bengal on 30 July; see Nos. 287, 290 and VPR of 1 August, No. 302, paras. 3–4, 9–11.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 196

SECRET NEW DELHI, *21 July 1947*

Dear Lord Mountbatten,

Thank you for your letter of the 20th July[1] about Sylhet.

I am sorry this discrepancy has arisen between the statement of June 3rd and clause 3(3) of the Bill, as this leads to argument and suspicions are raised. I suppose the only thing to be done now is to expedite the decision of the Boundary Commission, so that there is only one transfer involving Sylhet, after the Boundary Commission has reported. As a matter of fact, a close analysis of the voting figures in the referendum will be very helpful to the Boundary Commission in determining which parts of Sylhet district should go to East Bengal and which should remain with Assam.

If it is too late to appoint assessors at this stage, I hope that every facility will be given by the Boundary Commissioners to the Assam Government to present their viewpoint. The Assamese people are not at all satisfied with the representation of their view point by Bengalees, whoever they might be. They feel that Assamese interests might suffer for lack of proper representation.

For some time past I have been thinking of the national frontiers which might emerge from the decisions of the Boundary Commissions. I think Sardar Patel and I mentioned this to you on one occasion.[2] At present this question of a boundary is thought of far too much in terms of Sikh, Hindu or Muslim interests. I suppose every party will produce arguments for the inclusion of a little bit of territory here or there. The result might well be a very curious frontier line with numerous curves and enclaves. Apart from the question of defence, such a frontier would create many difficulties and a simpler frontier

[1] No. 181.
[2] See Vol. XI, No. 124, 'Boundary Commission'.

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based on some natural barrier would be far better. There is little chance, I hope, of defence coming into the picture in the normal sense of the word, but there is certainly danger of private raiding parties and smugglers crossing the frontier and doing mischief. This will have to be guarded against and the best way to do so is to have some natural barrier like a river or some special kind of terrain. The whole question is thus to be looked upon from the point of view of a national boundary, much more than that of sectional interests.

I have suggested to Sardar Baldev Singh to depute some senior Indian officers to present this point of view to the Boundary Commissions. In order to achieve such a frontier, it may be desirable to shift the population of the border areas to some extent. This need not involve any major transfers of population. We must provide for a frontier line which, as far as possible, avoids continuous friction and trouble.

Yours sincerely,
JAWAHARLAL NEHRU

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Secretaries to the Punjab Boundary Commission to Sir G. Abell

Telegram, R/3/1/157: f 191

IMMEDIATE LAHORE, *21 July 1947*

Reference following extract from His Excellency Viceroy's speech[1] at Press Conference on June 4th. *Begins.* I was not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh Community under this proposal I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. *Ends.* Commission would be grateful if the plan submitted to His Excellency on behalf of Sikhs and the map he studied could be sent to them immediately.[2]

[1] Vol. XI, No. 59, p. 112.

[2] Sir G. Abell replied on 23 July 1947 attaching copies of the complete passage of Lord Mountbatten's address to the Press Conference; a question and answer from the Press Conference (R/3/1/157: f 211); the Congress Resolution referred to in the complete passage (*ibid.*, f 212); and a letter to Pandit Nehru from Sikh and Hindu M.L.As and M.C.Ss, dated 2 April 1947 (Vol. X, No. 57). He did not attach the map but suggested that any map if read with the population statistics in the 1941 census would suffice for the purpose. Abell also mentioned Nehru's letter to Lord Wavell of 9 March 1947 (Vol. IX, No. 514) in which he stated that he had been asked by the Sikhs to represent their point of view to Wavell and that the Congress policy was supported by the Sikhs. Abell added: 'The letter from Pandit Nehru to Lord Wavell was personal but it can be seen in confidence by the Boundary Commission if necessary, subject to the agreement of Pandit Nehru.' R/3/1/157: f 209.

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Chiefs of Staff Committee. C.O.S.(47)90th Meeting, Minute 1

L/WS/1/1070: ff 106–8

TOP SECRET

Those present at this Meeting held at 10 Downing Street on 21 July 1947 at 10.30 am were: Mr Attlee (in the Chair), Mr Ernest Bevin, Lord Tedder, Admiral Sir John H. D. Cunningham, Lieutenant-General Sir Frank E. W. Simpson, Lieutenant-General Sir Leslie C. Hollis; Group Captain D. C. Stapleton (Secretary)

I. SERVICES STAFF COLLEGES: ADMISSION OF INDIAN STUDENTS

(Previous Reference: C.O.S.(47)88th Meeting, Minute 4)[1]

THE CONFERENCE discussed the issue as to whether or not, now that India and Pakistan had been granted Commonwealth status, Indian students should be permitted to attend courses at the Imperial Defence College, the Joint Services Staff College and certain other Service courses dealing with TOP SECRET subjects.

THE PRIME MINISTER said that once Commonwealth status had been granted to India and Pakistan, it was politically impossible to prevent facilities being placed at the disposal of these two Dominions when other Dominions had access to them. To do so, would be straightforward discrimination and, at a time when Indian acceptance of Commonwealth status had only been reached after the most delicate and arduous negotiations, a decision to withhold these facilities could only be interpreted by the Indians as meaning that their full rights as members of the Commonwealth could not be expected in practical dealings with the United Kingdom. The decision in principle, therefore, must be that Indians should be allowed to attend the Service training courses, providing they reached the requisite educational standard.

LORD TEDDER, speaking on behalf of the Chiefs of Staff, said they were very much aware of the grave political issues involved and the reaction on Indian political opinion of a decision to refuse admittance of Indian students to Service Colleges. The chief difficulty with which they were faced was the availability of information from purely American sources. The British Services had an agreement with the Americans not to disclose to Commonwealth or foreign countries without specific American authority, classified information of purely American origin. It was the strict observance of this clause that had satisfied the Americans sufficiently to promote a most satisfactory and completely free exchange of information between the Services of each country. Any breach of this agreement, and there were signs that the Americans were apprehensive of discussions in some of our Staff Colleges, would almost inevitably entail the withdrawal by the Americans of nearly all the information and co-

[1] L/WS/1/1070: f 112.

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operation in defence matters which had so laboriously been built up during the last seven years. If Indian students attended the Imperial Defence College and the Joint Services Staff College, we should be forced to delete from the curricula any subject containing purely American information, also information of our own strategic policy, since the new Indian Dominions could not be regarded at present as completely secure. Bearing in mind the already agreed statement that American support was essential to the British Commonwealth in a major war, the issue appeared to be whether we were to risk forfeiture of American co-operation or offending the new Indian Dominions.

If there were no political alternative to admitting Indian students, the Chiefs of Staff would ask if a delay of a year or so before Indian students need attend these Colleges were permissible, the reason being the administrative impossibility of taking further students when courses were already full, and in some cases vacancies for them had been reduced.

THE PRIME MINSTER said a delay of this order should be acceptable. Moreover, it was apposite to say that the attendance of Indian students now would be premature, since the Indian authorities would not wish to fill vacancies until the re-organisation of their own Armed Services had been completed and it was possible to select candidates of the appropriate calibre.

THE CONFERENCE:—

(*a*) Agreed in principle that vacancies at Service Staff Colleges and training courses must ultimately be offered to India and Pakistan.

(*b*) Agreed that invitations should be withheld from India and Pakistan to attend Service Staff Colleges and training courses dealing with TOP SECRET subjects or information of purely American origin for the next year or so, for the reasons given by the Prime Minister and the Chief of the Air Staff.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/12/1812: f 275

IMPORTANT INDIA OFFICE, *21 July 1947, 7.30 pm*

No. 9386. Please see Kabul telegram dated 11th July No. 60[1] and paragraphs 1 and 2 of Squire's No. 64.[2] Tribal Agreements.

2. It is obvious that in view of Section 7(i)(*c*) of Indian Independence Act no formal assurances could be given to the Afghans that existing agreements will continue to be honoured. Now, however, that N.W.F.P. is to be included in

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Pakistan there would be clear advantage in approach being made as soon as possible on behalf of provisional Government to the tribes on lines corresponding to negotiations now being undertaken with the Indian States, with a view to making provisional arrangements pending a formal settlement of future relations.

3. Anything that implies continuity of policy will have a stabilising effect (c.f. paragraph 10 of Lockhart's letter of 6th July)[3] and would be all to the good.

4. I am very glad to see from E.A. and C.R.D. telegram No. 5702[4] that your Govt have agreed to informal contacts with Shah Mahmud. I hope Jinnah can give him some comforting reassurance as to future relations between Pakistan and Afghanistan.[5]

Repeated by Secretary of State, Foreign Affairs, India Office to H.M.M. Kabul.

[1] In this telegram Sir G. Squire had enquired whether, in order to allay Afghan anxieties, it would be possible to assure them that existing tribal agreements for the Khyber Pass would remain valid after 15 August until either denounced or revised. L/P &S/12/1812: f 305.

[2] No. 132.

[3] In para. 10 of his letter No. GH-109 of 6 July to Lord Mountbatten, Lieutenant-General Sir R. Lockhart stated that he did not have enough information about future policy as regards tribes and that the tribes themselves and officials in the N.W.F.P. were anxious to know what the position of the former would be when power passed to the new Dominions. Although they were holding back, Lockhart thought that most of the tribes were pro-Muslim League. He added: '*All* the tribes are however realistic. What they want is to secure their economic life, i.e. they wish the present expenditure on Scouts, khassadars, roads, building etc. and allowances to continue'. Mountbatten Papers, Letters to and from Provincial Governors: North-West Frontier Province.

[4] No. 177.

[5] In tel. 2935-S of 25 July Lord Mountbatten reported to Lord Listowel that the Afghan Prime Minister had passed through Delhi the previous day without stopping, and did not see Mr Jinnah. The Pakistan Cabinet were considering what action to take regarding the tribes. L/P &S/12/1812: f 255.

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Sardar Baldev Singh to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 197

SECRET 17 TUGLAK ROAD, NEW DELHI, *22 July 1947*

IMMEDIATE

Dear Lord Mountbatten,

I enclose herewith a copy of Pandit Jawaharlal Nehru's letter of yesterday's date[1] and a press cutting of Dr. Ambedkar's statement[2] relating to the defence aspect of the new boundaries both in East and West, on which the Boundary Commission is now working. I have little to add to the views expressed by

[1] R/3/1/157: f 192. Pandit Nehru's letter is on similar lines to No. 195.

[2] Not on the file.

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Pandit Nehru and Dr. Ambedkar. This matter has already been referred to by you in the Partition Council meeting[3] and it is agreed that both the Dominions could represent their respective cases before the Boundary Commissions from the defence point of view.

There is no denying the fact that the new boundaries will be the boundaries of two independent Dominions. It may be argued that in modern warfare no particular significance attaches to national boundaries. This is true to some extent particularly when conflict is already on. But, there is the peace-time aspect of boundaries which is of far greater importance and that is that the boundary line between two countries should be such as would eliminate day to day complications. It is the multiplication of these complications which lead to trouble and ultimately to disasters. Where there is no natural boundary line, a demarcation will run through numerous interlocked villages, zig-zag the countryside and lead to constant irritation to both dominions. To avoid this it is necessary to have a natural boundary line as far as possible. The proposition is of great importance and must be looked into with great care.

I agree with Pandit Nehru that the defence point of view should be put before the Boundary Commission and that this should be done by competent Indian Officers at once. The Boundary Commission has allotted four and a half days to each party and started taking evidence yesterday. I hope there is no objection to the proposal that Indian Officers, say one or two from each dominion should represent the respective cases. As the time is short these Officers should get their orders today in order to enable them to prepare the cases.

Yours sincerely,
BALDEV SINGH

[3] See No. 52, Case No. 30/4/47.

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Rear-Admiral Viscount Mountbatten of Burma to Sir C. Radcliffe

R/3/1/157: f 205

NO. 1446/17 *22 July 1947*

My dear Radcliffe,

I went to Lahore on Sunday and had a discussion with the Punjab Partition Committee.[1] It was quite a satisfactory discussion, and it was stated, on behalf of all parties, that they would accept your award. On the other hand, it was emphasised that the risk of disorder would be greatly increased if the award had to be announced at the very last moment before the 15th August.

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2. I know that you fully appreciate this, but I promised that I would mention it again to you, and say that we should all be grateful for every extra day earlier that you could manage to get the award announced. I wonder if there is any chance of getting it out by the 10th?

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] The minutes of the Viceroy's Twenty-Second Miscellaneous Meeting with the Punjab Partition Committee on 20 July 1947 on the subject of the Boundary Commission read as follows: 'The Viceroy explained that the leaders of all parties at the centre had been insistent that the award of the Boundary Commission should if possible be published before 15th August. It was the present aim of the Punjab Boundary Commission that their award should be published on 12th August. The members of the Punjab Partition Committee during the course of discussion, expressed their views that this date should, if possible, be brought forward; and the Viceroy undertook to ask Sir Cyril Radcliffe if he could make a decision by 10th August.' Mountbatten Papers.

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/138: ff 190–201

PERSONAL & SECRET QASR-I-SULTANI, BHOPAL, *22 July 1947*

My dear Dickie,

I was very deeply touched by the contents of your letter of the 14th of July[1] for it bears the seal of sincere friendship, and leads me to believe that you still have confidence in me, a sentiment which I value very deeply. Despite the fact that fate may be driving us, in our public capacities, into different political camps you know that nothing will shake me in my sincere friendship for you which has remained throughout the long years since those happy days when we were together on the staff of the Prince of Wales in 1921–22. Since then we have passed through numerous trials and tribulations and your achievements as a Commander, a diplomat and a statesman have only raised you, if I may say so, still further in my personal regard. In this matter of the accession of States to the India Dominion, however, my dear Dickie, I would beseech you, even in the position which you are shortly to find yourself, to try and appreciate my point of view and that of my brother Rulers who have adopted the same attitude towards this problem.

You know that I have the greatest respect for your advice. Your horizons may possibly be wider than mine, but the very breadth of the panorama which is yours may possibly cause you to misapprehend the very great difficulties in which we, the independent States, now find ourselves. I am ready to go with you as far as I possibly can: indeed if it were *only* you, I might be willing to go

[1] No. 100.

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the whole length. Unfortunately, however, (and here I am confident that you will not misunderstand me) you are shortly to become the head of the Dominion dominated by a party whose policy and actions have throughout been inimical to everything that I hold dear in life itself. I have a proud heritage with a record of unbroken and loyal friendship with the Crown of England which is perhaps unparalleled in the history of British Connection with India. That record is now being broken as a result of unilateral action by His Majesty's Government. History will record its verdict on this unfriendly act to a friendly State. I will not dilate on this point as I have no desire to complain at this stage. My dynasty and my ancestors have never yet succumbed to any fear or bowed their heads to unjustified superior force. To me has been handed down a sacred trust and upon me are imposed obligations which I cannot evade. As a scion of the British Royal House I know that you will understand and appreciate my difficulties. The history of this present century has witnessed the fall of many a proud and historic dynasty: I do not intend to join that unhappy band if it is at all possible for me to avoid it. Among men of honour—whether friend or foe —this fact alone should inspire at least respect for the cause I seek to uphold. Unfortunately, I have scant hopes that these sentiments will either be understood or appreciated by those with whom you now find yourself in association.

While I do agree that under your guidance the Dominions of India and Pakistan have both had the good fortune to have made an auspicious start in their career as independent nations, I am afraid I cannot agree with you that there is much virtue in the proposal that States need only adhere to the original three central subject which we Rulers were all prepared to accept under the Cabinet Mission's Plan viz. Defence, External Affairs and Comminications.[2] I would remind you that the States' acceptance of the Cabinet Mission's Plan was only accorded under the belief that there would be one United India in which the States, the Muslim League and other minorities would be able to combine, and by their combined voting power would be able to hold their proper position in the future constitutional structure of India. The position under the present plan is vastly different, for any State or group of States acceding to the "India Dominion" would be relegated to the position of a permanent powerless minority at the mercy of the Congress party whose avowed intention it is to wipe out the Princely Order from the political map of India. You may possibly feel that I am expressing matters too strongly; but you have only to notice the recent scurrilous campaign, of threats, of violence and civil war, of political coercion, of bribery and blandishment, which has been conducted against the States, to see that the States who are unwilling to join the Dominion of India are quite justified in their reluctant attitude. I probably know Mahatma Gandhi, Jawaharlal Nehru and his colleagues even better than you do, and it is with regret that I have to inform you that they have done nothing so far to inspire confidence in their friendship. I judge them by

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their actions and their actions can only be interpreted as those of an enemy.

Don't misunderstand me, I beg of you, when I express these somewhat unpleasant opinions. I can realise how desperately keen you must be for your plan to come to its ultimate and logical fruition. If you were not only the architect of the plan but also its interpreter, and if I knew that you would be permanently there with power to ensure fairplay, I would have no hesitation in throwing in my lot with you; but unfortunately even Governor-Generals pass on and the Congress remains permanently in the fore-front of the scene, a Congress which makes no secret of its intention to destroy the Princes.

Despite all this we, the independent States, are still prepared to negotiate with both Dominions on a basis of complete equality and reciprocity—despite the shabby treatment which we have received we still retain confidence in the person of His Majesty the King Emperor. Through three crises—the Indian Mutiny, and the first and the second World Wars—we, the Rulers have done our best to give all assistance to the British Crown, and, in the event of aggression on the country as a whole we are still ready to help with all available forces if we can be sure of help in the shape of arms, ammunition and equipment as was the case during our connection with the British power in India. We need no protection: all we ask is that there should be no discrimination against us and no interference with our internal affairs. We, as the weaker partners, will naturally commit no unfriendly acts and we trust that this attitude will be appreciated and reciprocated. What is there immoral in the attitude which we adopt? If throughout two centuries in war torn Europe—the breeding ground of world wars—Switzerland has been allowed to remain an island of peace and an essential neutral to all the warring nations of Europe, why cannot we, the Muslim and Hindu independent States, serve an equally useful purpose as neutral negotiators and friendly advocates in the delicate negotiations which will inevitably be necessary in a communally divided India?

Then too I would ask you to cast your mind forward into the future. How can we, the Rulers of independent States, throw in our lot with a political party whose resolution that India should become a Republic is still on the statute book. You cannot, my dear Dickie, mix oil with water. We value our connections with the British Crown above any hypothetical advantages that the Dominion of India can ever offer. We wish to retain our relations with Great Britain, a monarchy, rather than to merge ourselves with an unfriendly political party which may tomorrow be ousted by Communist dominated elements and which is almost certain to leave the British Commonwealth of Nations as soon as this can conveniently be arranged. There is no guarantee of what the future of the Dominion of India will be. Are we to write out a blank cheque and leave it to the leaders of the Congress party to fill in the amount?

[2] See Vol. VII, No. 303, paras. 14 and 15.

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His Majesty's Government's plan has clearly permitted the States the option to join with one or other Dominion or to remain independent.[3] We feel that it would not only be to the advantage of the Dominion of India but to the whole of the British Commonwealth of Nations if we are allowed to enter into friendly relations, by means of treaties freely negotiated, with both the Dominions of India. We would also very naturally hope for the closest ties with His Majesty's Government. There is nothing inconsistent in this attitude, for when the various Provinces of British India have agreed to ally themselves with the British Commonwealth of Nations by becoming two separate Dominions why should not a group of independent States be allowed jointly to have the same relations? Can we not ally ourselves with His Majesty's Government on the subjects of Foreign Relations or Defence or is the fear that this would upset the leaders of the Congress party preventing you from advocating this course?

I am conscious of the fact that you must already have heard these arguments, advanced *ad nauseam*, but we too have also had enough of the Congress propaganda. I, for one, am sick and tired of its petty-minded untruthfulness. The hand of genuine friendship has never been extended to us by the Congress. Frequently have they assured the astonished world that no coercion will be brought to bear on any State to join the Constituent Assembly and yet Jawaharlal Nehru[4] in Gwalior and Shankar Rao Deo[5] in Poona have gone back on the word they gave to the States during discussions[6] between the two Negotiating Committees. Is this friendship? Is it even fair-play? Why should it be necessary for the Congress, who had reassured the World that no coercion was being resorted to against the States to have to declare that they were now prepared to call off the propaganda campaign? Are we to believe this change of heart overnight? No Dickie, I am afraid, that it has all along been a case of coercion, bribery and intimidation reminiscent more of the tactics of Pindaris early in the 19th century rather than responsible politicians and statesmen. You know me well enough to know also that I will not give in nor will I succumb to such manoeuvres. If agitation is to be the order of the day: if dishonest and lying propaganda is to be the method employed, let the Congress do the worst. You have had ships sunk under you in the last world war, but the world knows that you never struck your flag and in my case too, landlubber, that I am, I am prepared to go down fighting like a sailor with my flag still flying. Let history judge between me and the Congress, your war time enemies. If there is bitterness I ask you to consider who is to blame? I ask you to tell me straight if I have done anything to deserve the campaign of malicious propaganda which has been unloosed against me and my brother independent Rulers. I would ask you to read the Congress speeches up to date. I would particularly ask you to note the general developments of the last few days: the secession of Sarat Chandra Bose[7] and the growing impudence of Jai Prakash Narain in his speeches at Bombay and the U.P. Government's threat to raise

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the I.N.A. flag over a historic Residency at Lucknow. All these latest developments are not those to inspire confidence. There has been comparatively no trouble so far in the States despite the worst endeavours of agitators and I for one am not willing to launch my State into the muddy maelstrom of Indian communal politics.

In any country in the world the two democratic barriers against the rising tide of Communism are the vested interests which in India are the jagirdars and Zamindars and the money owners which in India are the big industrialists. The Congress are at present busily engaged in liquidating the Zamindars and Jagirdars as these unfortunates have already fallen into their clutches. The future intention of the Congress is to mete out similar treatment to the Princes. I tell you straight that unless you and His Majesty's Government support the States and prevent them from disappearing from the Indian political map, you will very shortly have an India dominated by Communists. You may laugh at this prophecy and reply by saying that the Communist party in India is a small one, but I would draw your attention to the fact that the dockers' Unions, the Railwaymen's Federation and the Post and Telegraph sub-ordinates Unions are all dominated by Communists. Despite, therefore, their smallness in numbers the Communists are in a position, by their control over the transportation and communication, to paralyse and starve India into a State of anarchy and chaos. If the United Nations one day find themselves with 450 million extra people under the heel of Communist domination they will be quite justified in blaming Great Britain for this disaster, and I naturally would not like your name associated with it.

I am afraid that I have been soliloquising and thinking aloud far too long and you are probably very irritated and angry with me for what I have said. You have the shaping of India's destiny very largely in your hands, and I realise what a heavy responsibility this must be. I know that these hands are capable, sympathetic and humane.

You will by now have heard the Bhopal State is not prepared to attend the meeting on the 25th[8] and you are probably extremely disappointed at my

[3] See Vol. XI, No. 45, para. 18 and Vol. VII, No. 262, para. 5.

[4] See Vol. X, No. 181, note 2.

[5] No reference to a statement or speech by Mr Shankar Rao Deo at Poona has been traced. However, according to a report in *The Statesman* dated 17 July 1947 Shankar Rao Deo had, in presiding over a special conference of the Ajmer-Marwar Political Conference on 14 July, warned the princes against declaring themselves independent and doing anything against the wishes of their people. He added that the statement by Sardar Patel (Vol. XI, No. 528) was not the last word but was only meant to meet the present situation.

[6] See Vol. IX, No. 389, para. 6.

[7] Sarat Chandra Bose had resigned from the Congress Working Committee in January 1947. In the following month he started a campaign against partition, particularly the division of Bengal, and in May he produced a plan for the creation of a United Independent Bengal as an alternative to partition. His final break with Congress came at the beginning of August 1947 when he announced the formation of a new Republican Socialist Party.

[8] Presumably the reply at No. 160 and its enclosure were intended to convey this information.

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decision. If you can bear with me a little longer, allow me to explain my reasons. There can be no common basis for negotiations between those States which, by joining the Constituent Assembly, have thrown in their lot with the Congressmen and those States which have up to the present preserved an independent attitude. My information of developments in Delhi, as you probably realise, is not altogether amateur. I have heard that the States' Department is hatching up some drastic terms to be presented to the representatives of the States who have been invited like the Oysters to attend the tea party with the Walrus and the Carpenter. If Patel, on behalf of the Congress, means to extend a hand of friendship, why can't he come out into the open and announce the terms in advance? The States are being asked to accede to the Dominion of India on the three subjects of Defence, External Affairs and Communications. Now I ask you to give me a straight answer: what exactly are the financial implications of this invitation? Despite the denial in the Times of India of the 18th of July,[9] my information is that the contribution which will be demanded from the States for these three subjects alone will be crippling. You might perhaps ask Vallabhbhai Patel to write to me and tell me clearly what percentage of Bhopal State's revenues will be required as a contribution if I agree to adhere to the Dominion of India on these three subjects, and will revenues such as from Sea Customs and Excises now collected from our people by indirect means be treated as part of our contribution?

There is another question which you might perhaps be in a position to answer. Is there going to be an agreement between Hindustan and Pakistan for any sort of common defence in the event of foreign aggression, either from the East or from the West. If there is to be no such agreement then how can, for instance, India (Hindustan) without the Commonwealth remain friendly to Pakistan which may continue to be a Dominion. If there is to be an agreement then there can be no difficulty for a State like Bhopal or Hyderabad in coming to some agreement on the question of Defence with both Dominions. Surely these are not unfair questions and surely I am entitled to a plain, and straight answer.

You know how much I have tried to help in promoting the prosperity, freedom and unity of India. I am confident that Congress would acknowledge this also. But now that India has been divided on communal lines, a State (particularly a State with a Muslim Ruler) is placed in a very awkward position. In Bhopal we have both a Hindu and a Muslim population. We have kept peace and tranquillity between the two communities. My State, thank God, has not had a lathi charge or a shot fired in communal disturbance during the last 40 years. We do not want to take any step now calculated to endanger that record, of which any Government would be proud.

Our great problem, now that India is divided, is to decide which side to take. Whatever we do, we shall be unpopular with one community or the

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other, and our decision may lead to serious trouble. In these circumstances we do not see how it is possible to become an organic part of either Dominion. We cannot risk the disturbances and bloodshed which would follow. But we are anxious to have relations with both the Dominions. We have no intention of being unfriendly either to India or to Pakistan nor of failing to cooperate with both parties on matters of common concern for the mutual benefit of all.

I have now finished and I expect you are breathing a sigh of relief. This has been a difficult letter for me to write. Despite all that has happened and is happening, I still regard you, Dickie, as one of my oldest and most valuable friends. Don't let these political differences come between us. You have your furrow to plough and I have mine. I know that you are in an extremely difficult and delicate position; but I also know you to be a man of his word who will not let old friends down. There are means whereby we independent States can still become closely identified with both Dominions. The avenues of coercion and intimidation have been explored; are there no others? Please think this over and give me your reply whenever you have the time, and remember that if you wish me to come up and discuss matters at any time I shall be only too glad to do so. But for God's sake let us stop all this backhanded Balkan diplomacy and get the negotiations on the level—fair and above board.

I have perhaps been too sentimental but I hope you will forgive and understand this shortcoming.

As promised I have so far remained absolutely mum in spite of killing provocation: how long one can bear up with it is for those to decide who habitually provoke in utter disregard of the principles of diplomacy and statesmanship.[10]

With my very best wishes,

Yours ever

HAMIDULLAH

[9] No reference to this subect has been found in the *Times of India*, 18 July 1947.

[10] On 23 July Sir G. Abell minuted: 'This is an interesting letter from H.H. of Bhopal, and one cannot help having much sympathy with him'. He suggested that Mr Menon might be consulted about a reply to the questions concerning the final implications of accession and a defence agreement. The same day Captain Brockman noted that 'H.E. has not read but would like V.P's advice first'. R/3/1/138: f 211. In submitting a draft reply on 28 July Mr Menon also included a reply in the form of a postscript to a further letter dated 26 July from the Nawab of Bhopal (No. 239) which Lord Mountbatten had handed to Mr Menon. R/3/1/139: f 10. For Mountbatten's reply to both letters, see No. 297.

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Sir C. Corfield to Rear-Admiral Viscount Mountbatten of Burma

R/3/4/144: f 61

10 QUEENSWAY, NEW DELHI, *22 July 1947*

My dear Lord Mountbatten,
I had a talk with Sir C. P. this morning but I fear that I was unable to shake his firm determination. He seemed in no way attracted to possible future Dominion Status at the price of immediate accession. He has very decided views of his own, which I have seldom been able to influence.

I was unable to meet Sir R. Mudaliar owing to his other engagements.

With kind regards an d good wishes to you both in your future work.

Yours sincerely

CONRAD L. CORFIELD[1]

[1] Sir C. Corfield was due to leave India on 23 July on leave preparatory to retirement (see Vol. XI, No. 196, note 3).

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Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Travancore[1]

R/3/1/144: ff 57–9

22 July 1947

My dear Maharaja,
I am giving this letter to Your Highness's Dewan, Sir C. P. Ramaswami Aiyer, whom you were kind enough to send[2] to have discussions with me in my capacity as Crown Representative and Viceroy, concerning the future of your State.

May I first of all express my great regard for the way in which Sir C. P. has conducted the negotiations on behalf of Travancore. I think I thoroughly understand both the position of Your Highness's state and the particular problems which face you, and I have been giving the greatest possible personal attention to trying to find a solution which would be acceptable to Your Highness.

2. Ever since His Majesty's Government made their statement of the 3rd June I have been trying to think how we could secure the minimum measure of integration of the States and British India in such a way as to prevent irreparable damage to the country as a whole.

3. I assumed that a State of the importance and development of Travancore

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would wish to continue with complete freedom as regards internal autonomy and trade relations.

4. I also realised that defence and external affairs (which two subjects I am sure Your Highness will agree are completely interlocked) were subjects which, since the advent of the British, Travancore had not been called upon to deal with. In passing may I, as a sailor, pay tribute to the fact that Travancore is the only Indian country to have inflicted a naval defeat on a European navy (I am glad to say not the British). There was therefore clearly no disadvantage to Your Highness in finding a solution for these two problems within the adjacent and newly created Dominion of India.

5. The third subject, communications, is one which in any case it was Your Highness's intention to have dealt with under the standstill agreement.

6. Thus, accession on these three subjects—Defence, External Affairs and Communications—would not detract from the independence of Travancore, whilst bringing you completely into the British Commonwealth of Nations with all the attendant advantages which would result therefrom, and on which I need not here enlarge.

7. Furthermore, I feel I would owe it to Your Highness to endeavour to arrange with the future Dominion government of India that there should be no interference with internal jurisdiction, and I feel that it should be possible now to find a solution to this particular aspect which would be acceptable to both parties. I also note that Your Highness does not wish to send representatives to the Constituent Assembly or Central Legislature, even though you accede on these three subjects before the 15th August.

Thus, I believe I shall be able to negotiate successfully on Your Highness's behalf with the Government of the Dominion of India if I am in a position to inform this Government that Your Highness is prepared to accede on the three subjects mentioned above.

Once I have Your Highness's accession I will be in a position to negotiate that there should be no interference with customs, tariffs, or internal financial arrangements or taxes.

Your very sincere friend

MOUNTBATTEN OF BURMA

[1] Lord Mountbatten sent this letter via Sir C. P. Ramaswami Aiyer. R/3/1/144: f 60.

[2] See No. 93, note 4. For an account of Lord Mountbatten's discussions with Sir C. P. Ramaswami Aiyer, see No. 228, paras. 16–19.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

L/P&J/10/142: f 56

22 July 1947

Under Section 18(4) of the Indian Independence Act the existing Instruments of Instructions, and all the provisions of the 1935 Act relating to them, will lapse on August 15th. I have been considering whether it is desirable to ask The King to issue any formal Instructions to replace these documents.

There are arguments both for and against this course. On the one hand, it is the normal practice for His Majesty to issue Instructions to the Governors General of the Dominions; there exist Royal Instructions to the Governors General of all the Dominions except Eire. Such Instructions are also issued to the Governors of the Australian States, though not to the Lieutenant Governors of the Canadian Provinces. On the other hand, I am not sure that in present circumstances these documents have any great practical importance. In the case of India, moreover, it would be necessary to reduce the content of any Instructions to the barest minimum; and even so they might, instead of serving any useful purpose, only act as an irritant to Indian opinion. I am inclined to think, therefore, that we can dispense with any fresh Instructions; but I should be glad if you would consider the question urgently and let me have your views by telegram.

In order to show what might be the content of Royal Instructions to the Governors General and Governors, should it be decided that any are required, I enclose the following drafts[1] which have been prepared in the India Office viz:—

(*a*) Instructions to the Governors General of India and Pakistan.

(*b*) Instructions to the Governors of all the existing Provinces except Bengal and the Punjab.

(*c*) Instructions to the Governors of East and West Bengal and East and West Punjab.

Broadly speaking, these drafts consist of the very few provisions of the existing Instruments of Instructions which are not inconsistent with the new régime which will come into being on August 15th.

In view of Section 18(4) of the Independence Act there would, of course, be no question of submitting any fresh Instructions for the approval of Parliament. His Majesty's approval would be all that would be required to bring them into operation.

I am taking the necessary steps for the issue of Letters Patent creating the Offices of the Governors of the four new Provinces which will come into

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being under the Act; and also revoking the Letters Patent which created the Office of Crown Representative. I do not think that Letters Patent erecting [? creating] the Offices of Governors-General of India and Pakistan are necessary as these offices are already created by Section 5 of the Indian Independence Act.

LISTOWEL

[1] Not printed; see L/P &J/10/142: ff 58–69.

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Meeting of the Partition Council, Case Nos. P.C.74/8/47, 80/8/47, 81/8/47, 82/8/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present at this Meeting held on 22 July at 5 pm were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Sardar Baldev Singh (No. P.C.74/8/47), Field Marshal Sir C. Auchinleck (No. P.C.74/8/47), Lord Ismay, Mr Christie, Mr H. M. Patel, Mr Mohamad Ali, Brigadier Elliott (No. PC.74/8/47), Mr Osman Ali, Lieutenant-Colonel Erskine Crum

Case No. P.C.74/8/47 Plan of action in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after 15th August.

HIS EXCELLENCY said that the list[1] of districts had been drawn up during his recent visit to Lahore by common agreement between the Governor of the Punjab, the G.O.C.-in-C., Northern Command and the Punjab Partition Committee. The area was of convenient size and included those districts in which trouble might occur.

The suggestion was made that Ludhiana civil district should also be included as, although it was to the south of the boundary areas, it contained a considerable Muslim and Sikh population and was contiguous to other areas where there were large numbers of Muslims. Trouble might, therefore, be expected in this district also.

THE COMMANDER-IN-CHIEF said that from the military point of view it was desirable to concentrate the force available in a homogeneous command. Any extension would involve more troops and complicate the plans already worked out for command and administration.

The Council approved the list of districts subject to the addition of Ludhiana if this was agreed to by the Punjab Partition Committee. His Excellency the Commander-in-Chief was requested to send a telegram to the Army Com-

[1] See No. 184.

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mander to take steps to consult the Partition Committee through His Excellency the Governor of the Punjab.[2]

Case No. P.C.80/8/47 Issues connected with the partition work in the Punjab

HIS EXCELLENCY said he had had a very successful meeting with the Punjab Partition Committee. The conclusions reached at that meeting were set out in the note[3] before the Partition Council. He was glad to say that the Punjab Partition Committee was tackling the problems facing it in a realistic and business-like way.

In the course of discussion, it was explained that the Partition Committee was making postings district-wise purely for administrative convenience and not on the assumption that the Boundary Commission would give its decisions district by district according to their present boundaries.

Case No. 81/8/47 Draft Statement by Partition Council.

HIS EXCELLENCY said the Punjab Partition Committee had expressed their willingness to issue a statement[4] of their own on the same lines as the one which the Partition Council intended to put out. He was particularly happy to be able to report that Sardar Swaran Singh had agreed to be a signatory to that statement. HIS EXCELLENCY said that he had made the suggestion that other party leaders in the Punjab should also endorse the statement. As regards the statement to be issued from the Centre, he proposed to mention the names of those who were present at the meeting of the Partition Council when the statement was adopted.

The Council approved the issue of the draft statement[5] subject to the following modifications:

(*a*) the omission of the word 'God' occurring in the 10th line of paragraph 2;[6]

(*b*) the insertion in paragraph 5 of the full names of the two brigadiers to be attached to the Military Commander as advisers;

(*c*) the addition of Ludhiana in para. 5 if this was considered necessary by the Partition Committee of the Punjab.

Case No. P.C.82/8/47 Temporary performance of duties of Joint Defence Council by Partition Council.[7]

HIS EXCELLENCY said it was necessary to define the authority to whom the Commander-in-Chief would owe allegiance up to the 15th August in dealing with the disposition of troops and allied questions in those zones in the neighbourhood of the boundaries between the two dominions where he would have operational control. It had already been agreed[8] that the composition of the Joint Defence Council should be: the two Governors-General (with G. G. (India) in the chair), the two Defence Members, and the Commander-in-Chief (who would be designated Supreme Commander from the 15th August). All these persons now attended those meetings of the Partition Council when

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questions concerning the Armed Forces were under consideration. He suggested, therefore, that up to the 15th August the Partition Council should treat itself as the Joint Defence Council (of which the Indian Defence Member and the C.-in-C. would be regarded as members) when such subjects came up for discussion, and that a separate record should be kept of the Council's deliberations on those matters. It would also be necessary to take steps forthwith to constitute the civil secretariat of the Joint Defence Council. The two Joint Secretaries of this secretariat would not, however, attend meetings. In other words, his proposal was that the Partition Council should function temporarily as the Joint Defence Council for the consideration of such items of business until the 15th August when the latter would come into full being.

The Council approved H.E's proposal.

[2] Lord Mountbatten informed the Partition Council at its meeting held on 24 July (Case No. P.C.87/9/47) that all parties concerned had agreed to the addition of Ludhiana to the list of Districts. He added that the Muslim Officer who would be attached to the Joint Commander in an advisory capacity would be Colonel Ayub Khan and not Brigadier Tiwana. Mountbatten Papers, Partition Council Minutes.

[3] Not printed. Lord Mountbatten's account of his meeting with the Punjab Partition Committee in his V.P.R. at No. 228, paras. 6–12, follows closely the note before the Partition Council at its meeting on 22 July.

[4] See No. 228, paras. 10–11.

[5] For the statement as issued, see No. 224.

[6] See the last sentence of paragraph 2 of the statement as issued. The draft included the word 'God' between the words 'worship' and 'in'.

[7] See No. 148, Case No. P.C.47/6/47, point (c).

[8] See Vol. XI, No. 416.

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Secretaries to the Punjab Boundary Commission to Sir G. Abell

Telegram, R/3/1/157: f 202

IMMEDIATE LAHORE, *22 July 1947*

EN CLAIR

Reference Mr. Henderson's explanation of terms of reference of Boundary Commission in speech[1] on clauses Indian Independence Bill in House of Commons on 14th July. Punjab Boundary Commission would be grateful if communications exchanged[2] between His Excellency the Viceroy and Secretary or Under Secretary of State for India or other authority in Whitehall on Mr. Henderson's interpretation of terms of reference could be made available to them immediately.

[1] *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, col. 74.

[2] See Nos. 121 and 144.

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Rear-Admiral Viscount Mountbatten of Burma to Sardar Baldev Singh

R/3/1/157: f 198

23[1] July 1947

Thank you for your letter of yesterday[2] about the Boundary Commission.

The point you mention was raised in substance in the Partition Council on 10th July and for ready reference I enclose a copy of the minutes.[3]

I do not think the Partition Council would be in favour of reconsidering their decision and I am sure it would be embarrassing either for the Government of India as a whole officially to put a point of view to the Boundary Commission or for the two provisional Governments to put opposite views through representatives who are still members of a single Army.

Sir Cyril Radcliffe, who had made the enquiry mentioned in the minutes of 10th July has been sent a copy of those minutes by way of an answer.

[1] The file copy of this letter is dated 22 July but 23 July is correct. Sir G. Abell was instructed to draft this reply to Sardar Baldev Singh during discussion of the Boundary Commission at the Viceroy's Sixty-Second Staff Meeting (Item 3) on 23 July. Mountbatten Papers.

[2] No. 199.

[3] See the first three paras. of Case No. P.C.30/4/47 of No. 52.

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/157: f 219

23 July 1947

Dear Pt Nehru,

Thank you for your letter of 21st July.[1] I have had a talk with Mr. Bardoloi about Sylhet. I have explained to him that the interpretation of terms of reference will have to be undertaken by the Boundary Commission itself and that it is now too late to consider altering the position of the Commission or appointing assessors to assist it. I think he appreciates the position.

We discussed in the Partition Council on the 10th July the question of putting before the Boundary Commissions the defence point of view about the boundaries. I have written to Sardar Baldev Singh about this and attach a copy of my letter.[2]

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] No. 195. [2] No. 207.

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Sir C. Radcliffe to Rear-Admiral Viscount Mountbatten of Burma

THE VICEROY'S HOUSE, NEW DELHI, *23 July 1947*

Dear Viceroy,

Thank you for your letter of 22 July.[1] I am very glad to know that your discussion with the Punjab Partition Committee was on such satisfactory lines.

I will certainly bear in mind the importance of the earliest possible date for the Award. The time schedule, as you know, has to be a fine one owing to the necessity of giving adequate time first for public hearings and then for full discussions of their differences with the judges of the two simultaneous Commissions. Unless the Punjab judges agree with each other more than I have reason to expect, I do not *think*[2] that I could manage the 10th: but I think that I can promise the 12th, and I will do the earlier date if I possibly can.

Yours sincerely,

CYRIL RADCLIFFE

[1] No. 200. [2] 'think' underlined in original.

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Mr. C. P. Scott to Lieutenant Jawand Singh

R/3/1/157: f 215

23 July 1947

Dear Sir,

H.E. the Viceroy asks me to acknowledge receipt of your telegram of the 18th July[1] in which you asked for an interview on behalf of the military grantees of Montgomery District to enable them to make a submission about the boundary to be determined between India and Pakistan.

H.E. asks me to say that as the Boundary Commission has already been appointed, and the Chairman has arrived in India, it would be most improper for him to receive any representations affecting their work. The question of the Punjab boundary is entirely a matter for the Commission, and His Excellency therefore regrets his inability to receive your deputation.

Yours faithfully,

C. P. SCOTT

[1] R/3/1/157: f 180.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

R/3/1/165: ff 28–9

23 July 1947

POST-REFERENDUM PROBLEM

5. It is the future which is now exercising everybody's minds. I have had talks with numerous people (officials as well as leaders of the political parties and my Ministers).

The Muslim League are, I think, genuinely anxious about the intentions of the Congress Party. They believe that the Congress intend to stage a civil disobedience movement.

A deputation of 5 local League leaders came to see me on Sunday (July 20th). They made the usual accusations against the Congress Party and the Zalmai Pakhtun, and urged me to dismiss the Ministry, to resort to Section 93, to take immediate action to disarm the Zalmai Pakhtun, generally to render the Congress Party incapable of sabotaging the administration of the Province before 15th August, and so ensure that Pakistan would have a fair start on that date.

I told them that decisions as to what action would be taken as a result of the Referendum would have to come from you.

6. There are I think good grounds to suppose that the Congress Party do intend to stage a movement, and that this movement may be violent. Many reliable people are sure of it. Most significant of all is that Dr. Khan Sahib, who came to see me on 21st July, practically admitted that a movement which might result in violence was likely.

Dr. Khan Sahib was not at all excited and spoke quietly. He said that the people would resent the dismissal of his Ministry, dislike intensely a minority League Ministry, and like little more government under Section 93. He repeated that he would only resign if assured that a General Election would be held in the reasonably near future. He agreed that such an election could only be held under the new Pakistan Constitution and after new electoral rolls had been prepared. He expressed his and his party's apprehension that the Pakistan Government would not hold elections soon, but govern the Province for some time to come by Ordinances or something similar.

7. Both parties are indulging in much propaganda; the League's is to the effect that the Congress are going to turn violent; the Congress and Red Shirts are being provocative and threatening, and preaching Pathanistan and the need to fight for it. There is great tension and feelings are being worked up. Congress have perhaps some reason to fear victimisation.

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It is possible that all this is bluff and part of a war of nerves. But the risk is there. When a movement would be launched I can't yet say. It might be soon; they may wait till 15th August or even until after the Roza.

We have warned Deputy Commissioners and the Area Commander here that they must be vigilant and ready to reimpose precautions at once. The Ordinances remain in force and in Peshawar, which is I think the danger spot (the rest of the Province will behave if we can keep Peshawar quiet), certain prohibitory orders under Section 144 have been imposed. The coming reduction in troops is disturbing in the present circumstances.

8. As regards the formation of a League Minority Ministry, the local leaders don't seem at all keen on the idea; they say because they do not command a majority in the Legislative Assembly. I am however not at all sure that it isn't because there are so many dissensions amongst them that they cannot agree who should be Ministers!

9. No more has been said about a compromise between the two parties. I gather that Jinnah would not be willing to consider it. Abdul Ghaffar Khan is however, Dr. Khan Sahib says, still willing to go to Delhi to discuss the possibility with Mr. Jinnah.

10. The Faqir of Ipi has been attracting even more local attention than usual lately, and I think it likely that he may come into the open after the Id. For some months Ipi has been collecting the thumb impressions of tribesmen for an unspecified purpose, and latterly there have been many reports that he contemplates declaring himself Amir of Waziristan—there have even been reports of a sort of rehearsal ceremony. Ipi, of course, has always been a good friend of Congress, who have given him liberal financial support, and he did his best to dissuade his followers in the Bannu District from voting in the Referendum. He will naturally seek to enhance his political power when British control is withdrawn, and, provided his old allies continue to be generous, he would probably be quite ready to make things difficult for Pakistan by creating as much disturbance as possible. Ipi and his lieutenants have lately been very active politically, and he could certainly raise a large following in North Waziristan. The Mahsuds on the whole have hitherto been unresponsive to his blandishments, but were he to "start a party" which offered good prospects of, say, looting Bannu, the Mahsuds would be in quick enough. The Muslim League leaders in the Province were definitely worried about this possibility, and they spoke of it when I saw them on Sunday. I repeat that I do not expect any large scale disturbance during the Ramzan, but the period immediately following the Id is always a ticklish time in Waziristan, and "after the Id" combined with the demission of British control is, I think, more than likely to produce fireworks.

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Mr Rowan to Mr Harris

L/P&J/7/12596: f 11

IMMEDIATE AND CONFIDENTIAL 10 DOWNING STREET, *23 July 1947*

My dear Harris,

The Prime Minister has considered the draft reply to the Viceroy's telegram No. 1980–S.,[1] enclosed in your letter to Graham-Harrison of 18th July.[2]

The matters to which this telegram refers are of some importance and delicacy. The Prime Minister, therefore, feels that the answer should set out the position fully and plainly and has approved the attached revised draft[3] which has been seen and concurred in by the Secretary of State for Commonwealth Relations.

Yours very sincerely,

LESLIE ROWAN

[1] No. 125.

[2] Mr Harris had, on Lord Listowel's instructions, sent a draft reply to tel. 1980–S for the Prime Minister's approval. This draft is not printed. L/P &J/7/12596: ff 15, 17–18.

[3] See No. 225 for the reply as sent.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel[1]

Telegram, R/3/1/138: f 203

CONFIDENTIAL NEW DELHI, *23 July 1947, 5.45 pm*

Received: 24 July, 6.50 am

No. 2900–P. In connection with transfer of power representations have been received from Gwalior, Indore[2] and Sangli claiming from H.M.G. either return of territories ceded in return for specific military guarantees or alternatively cash compensation (*vide* Chapter IV Davidson Committee Report).[3] No claim has yet been received from Baroda. Regarding Hyderabad please see para. 13 of Memorandum presented by Hyderabad Delegation to Cabinet Mission in May 1946.[4]

2. In view of Section 2 of Indian Independence Act return of ceded territory is clearly out of the question. Alternative of cash compensation remains. Political Dept suggested that Dominion might be prepared to entertain these claims on principle that Succession Govt inheriting physical assets of its predecessor inherits also corresponding liabilities. But States Dept point out that under Section 7(1)(*b*) of Indian Independence Act all obligations of His

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Majesty existing on August 15th towards Indian States are extinguished absolutely as from that date. This is undoubtedly correct legal position and Dominion Govt will after August 15th be legally justified in refusing to recognise obligations which have been extinguished by Act of Parliament. Dominion Govt will it is understood resist States claims on these unassailable legal grounds. Thus H.M.G. who are presumably not prepared themselves to satisfy these claims may be exposed to charge of breach of faith. It does not seem practicable however for anything to be done before August 15th. Do you agree?

[1] Mr Wakefield had sent Sir G. Abell drafts of this telegram and the one mentioned in note 2 on 22 July remarking that, as they had been 'drafted in consultation with Menon, you may perhaps think it unnecessary to trouble H.E. personally'. R/3/1/138: f 202.

[2] In tel. 2901-P of 23 July the Crown Representative explained that Indore had also claimed repayment of a capitalised contribution made in 1865. Upon the basis of the 1865 Agreement, Promissory Notes had been issued in the name of the Maharaja Holkar. Inquiries, however, had revealed that the capital sum had subsequently been absorbed in the general revenues of the Central Government. If this amount were to be repaid it would have to be repaid before 15 August but the provisional Dominion Government were certain to oppose repayment before 15 August of a substantial sum which would lapse to them after that date. The Crown Representative therefore sought approval for the view that it did not seem practicable to do anything about this matter. R/3/1/138: f 204.

[3] Cmd. 4103. Report of the Indian States [Financial] Enquiry Committee, 1932. Sir John Davidson chaired the Committee.

[4] A copy of this Memorandum is on L/P &J/5/337: ff 311–16.

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Note by Sir E. Jenkins

R/3/1/176: f 254

SECRET *23 July 1947*

A large Sikh Diwan has been advertised to be held at Nankana Sahib, Sheikhupura district, on Sunday, 27th July 1947. The names of 22 members of the Legislative Assembly appear at the foot of the poster, including those of Master Tara Singh and Giani Kartar Singh; but it is not certain who the actual organisers are.

2. Public meetings are prohibited throughout the Sheikhupura district, and this meeting will not come within the religious exemption, as it is frankly a political conference called to impress the Boundary Commission and the public generally with the enthusiasm of the Sikhs for their boundary claims.

3. It is said that the poster has been widely circulated in the local villages and that the intention is for those attending the meeting to come in Jathas. The leaders hope to be arrested; if no arrests are made, they will announce a further programme of meetings.

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4. Meetings about the Boundary Commission and the determination of the boundary are extremely dangerous, and Sikh meetings in the Western zone, apart from the direct disorders they may occasion, will inevitably cause the Muslims in the Eastern zone to hold counter meetings. It is therefore clear that this meeting at Nankana Sahib must be prevented.

5. Commander, Lahore Area, is sending to the Sheikhupura district a force consisting of Headquarters and one Squadron 18th Cavalry and 3rd Baluch Regiments. This force will be under command of 23rd Brigade and will be in addition to the Gurkha Company now stationed at Nankana Sahib/Sheikhupura. It will be in position by morning of 25th July.

6. I.G. Police is arranging Police precautions, which will consist of—

(*a*) stoppage of bookings by rail to Nankana Sahib and adjacent stations;

(*b*) control posts on main roads giving access to Nankana Sahib;

(*c*) control posts at convenient places on railways; and

(*d*) patrols in villages to discourage attendance.

Lahore Area Commander has intimated to me personally that troops will assist in these arrangements as required, e.g. there are troops available at Lyallpur.

7. It is impossible to give detailed instructions about the handling of the situation on 27th July; but the following should be the general policy—

(i) As far as possible, persons attending the meeting should be turned back some way from Nankana Sahib.

(ii) Interference by Police or troops inside the Gurdwara precincts should be avoided.

(iii) In amplification of (ii), if a meeting is in fact held inside the Gurdwara precincts and there is no immediate danger of a breach of the peace, it should not be interfered with, and any arrests that may be necessary should be made afterwards, at times and places chosen by the authorities and not by the organisers.

8. If the special Force makes its presence evident from 25th morning and if the Police arrangements to discourage attendance at the meeting are thorough, the attendance will probably not be very large. We must enforce the law, and I have already made it clear to Sardar Swaran Singh that we intend to do so; at the same time we must avoid provoking a large-scale physical clash with the Sikhs, especially in a Gurdwara.[1]

E. M. J.

[1] In tel. 189-G of 23 July Sir E. Jenkins informed Lord Mountbatten that this meeting had been advertised and outlined the measures he proposed to take to prevent it. He added that 'actual organiser is almost certainly Giani Kartar Singh' and explained that Sardar Swaran Singh had been informed that the meeting was illegal and that it would be 'dealt with unless stopped'. Mountbatten Papers, Official Correspondence Files: Punjab, Situation in, Part II (b).

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/142: ff 120–21

CONFIDENTIAL INDIA OFFICE, *23 July 1947, 4.30 pm*
Received: 24 July, 9.00 am

No. 9507. Your telegram No. 1999–S of 16th July.[1] Oaths of office. You will cease to be Governor-General immediately after midnight of 14th August.

2. I agree that it will be necessary for you and for Jinnah to be sworn and to take the oath of allegiance on 15th August before proceeding in state to the Constituent Assembly. Following is form of oath of allegiance and oath of office taken by Governors-General of Dominions. Oath of allegiance. *Begins.* I . . . do swear that I will be faithful and bear true allegiance to His Majesty King George, his heirs and successors, according to law. So help me God. *Ends.* Oath of office. *Begins.* I . . . do swear that I will well and truly serve His Majesty King George in the office of . . . . So help me God. *Ends.*

[1] No. 145.

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Sir G. Abell to the Secretaries to the Punjab Boundary Commission

Telegram, R/3/1/157: f 208

EN CLAIR *23 July 1947, 10.30 pm*

No. 563–GT. Reference your telegram dated 22nd July.[1] Mr. Henderson's reference to Boundary Commission's terms in the House of Commons on the 14th July.

2. Mr. Henderson's remarks were wrongly reported in the Indian Press. The relevant passage from his speech is as follows:— *Begins.* The provision that other factors will be taken into account has been made by Prime Minister to enable the Commission to have regard to special circumstances of Sikh community in Punjab where considerations such as location of their religious shrines can reasonably be taken into account up to a point. I would however emphasise to Committee that it is for Commission itself to decide what are other factors and how much importance should be attached to all or any of them. *Ends.*

[1] No. 206.

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3. Regret must claim privilege for correspondence[2] between Viceroy and Secretary of State or Under Secretary of State but this has been made available to Sir Cyril Radcliffe who will show it in confidence to his colleagues.

[2] See Nos. 121 and 144.

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Rear-Admiral Viscount Mountbatten of Burma to Sardar Nishtar

R/3/1/138: ff 216–7

NO. 592/89 *22 July 1947*

Dear Mr Nishtar,

Thank you for your letter of the 20th July[1] about the States Conference.

It is my intention to meet the representatives of the States separately in my capacity as Crown Representative. I am sure this is the right course. Sardar Vallabhbhai Patel will not be present at the Conference.

If I cannot obtain from the representatives of the States those terms which the two States Departments want, I may find it necessary to put them in direct touch with you, and with Sardar Patel, and if necessary with the Partition Council.

In regard to the point raised in the second paragraph of your letter—individual representation of States included in Groups—there appears to be some misunderstanding. For purposes of States' representation in the Constituent Assembly set up under the Cabinet Mission Plan, it was necessary to distribute among States on a population basis the 93 seats available to them. The method of distributing these seats was one of the main questions which the States' Negotiating Committee appointed by the Standing Committee of the Chamber of Princes had to decide in consultation with the corresponding Committee set up by the Constituent Assembly. Agreement was reached in regard to the allocation of these seats, and most of the individual States or groups of States which have decided to participate in the proceedings of the Constituent Assembly have already sent their representatives to that body. This grouping of States was however solely for the purposes of representation in the Constituent Assembly, and it does not bind States in any way in regard to the Conference on July 25. I enclose a copy of an express letter sent by the Political Department to all Residents on June 21, 1947,[2] (before the States Department had been formed). This will show that, for the purposes of the Conference, *every*[3] State is asked to send an accredited representative to the meeting. As many States as possible are asked to combine to send a joint representative, but

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there is absolutely no suggestion that the grouping adopted for purposes of the Constituent Assembly should be followed for purposes of the Conference.

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] No. 186. [2] Vol. XI, No. 287. [3] Emphasis in original.

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Mr Subbarayan to Mr Attlee

Attlee Papers

GOVERNMENT OF MADRAS, FORT ST GEORGE, *24 July 1947*

My dear Prime Minister,

Please accept my congratulations on the passage of the Indian Independence Act. I little imagined when we used to have discussions in my house during your visit as a Member of the Simon Commission that it will be given to you to finally solve the problem of India as has been done now by the passing of this measure. I realised then how deep and abiding was your interest in India. Your work at the Round Table Conference and subsequently at the Joint Select Committee showed that you had even then wished for a different solution than what was eventually done. The visit of Sir Stafford Cripps in 1942 in the middle of the war afforded another opportunity for the solution of this problem, but because of misunderstandings the problem remained unsolved, and led to bitterness on both sides as I wrote to you at the time. The Cabinet Mission under the leadership of Lord Pethick-Lawrence tried to solve the problem which depended so much on agreement between communities. This unfortunately was not found possible. As I remarked to you in Madras and subsequently in my letters, the introduction of separate electorates in 1909 by Lord Minto really sowed the seeds for the bitterness that has ensued between the communities. Responsible Government on the Parliamentary model with segregated electorates can never work. I am only mentioning this not to escape from the responsibility that we owe to our own people, but to point out that one step taken on the wrong road often complicates a situation which was already difficult enough because of communal feelings. But all that is past and both Britain and India will be grateful to you for what you have done to bring about friendly relations between the two great peoples. As you mentioned in the House of Commons, the division of India has been accepted as inevitable because of the present situation. I do hope and trust, as you have said, that it will be possible for the two parts of India to coalesce at some future date as I feel in the interests of world peace this will be necessary. But for the present I

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am hoping both the parts of India will, when the division eventually takes place, live as friendly neighbours and work for the greatness of this ancient land. There is of course the further complication of the States and I am glad in spite of the pressure from the Conservative benches, you avoided encouraging fissiparous tendencies which we see in Indian political life today. Lord Mountbatten is, I know, doing his best to solve this problem and to get the States into one or the other of the two Unions of India and Pakistan consistent with the contiguity of the territory concerned. I am hoping he will be successful. Travancore through its Dewan has already announced that as from August 15th they will be independent,[1] and Hyderabad through a firman[2] of H.E.H. the Nizam has already put out its claim for independence. This, I know, is going to cause a great deal of bitterness. As Gandhiji has often said, we believe in the *bona fides* of the British Government, but people of the States who have been agitating for responsible Government are still very suspicious. I know that after the passage of the Independence Act, it will mostly be our duty to solve this problem in the best way we can, but I am sure the British Government also will help in any manner they can without actually coercing the States.

I am sorry to have raised a controversy over what has been done in such good faith, but let me conclude by congratulating you on your great achievement and I am sure your name will go down to history along with Sir Henry Campbell Bannerman as the two persons who found a solution for most difficult problems that confronted them when they happened to be the First Adviser of the Crown in England. My wife joins me in these congratulations. I trust your family are all well.

With kindest regards,
Yours very sincerely,
P. SUBBARAYAN[3]

[1] See No. 146. [2] Vol. XI, No. 163.
[3] A note on the file indicates that Mr Attlee replied personally to this letter.

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The Earl of Listowel to Mr Attlee

L/WS/1/1046: ff153–4, 158–63

INDIA OFFICE, *24 July 1947*

Secretary of State's Minute: Serial No. 131/47

Prime Minister,

You will remember that at an informal meeting[1] at No. 10 Downing St. on the evening of the 9th July it was decided that a long draft telegram from Lord

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Ismay to the Viceroy setting out the defence requirements which the Chiefs of Staff thought we should endeavour to secure by negotiation with the two new Dominions should not be sent but that Lord Ismay should take out with him, on his return to India, such information as he felt he would be able to make use of.

2. In fact, it did not prove possible for all the information required to be put into suitable form before the date of Lord Ismay's departure but the Chiefs of Staff have had the attached "Brief for Negotiations" prepared in accordance with what they understand to be Lord Ismay's wishes.[2] This document is intended as background material for use in the way which seems to Lord Ismay to be best and is not intended to be handed to Indian leaders, at any rate at this stage. The Chiefs of Staff wish to make it clear moreover that, although this document has been prepared under their aegis, the matters dealt with in it are primarily political and the views expressed must not be taken as being the views of the Chiefs of Staff. The Annex to the brief is, on the other hand, an objective statement of British defence requirements in India, which has the Chiefs of Staff's specific approval.

3. Although it is contemplated that the attached document should be sent to Lord Ismay by my Principal Staff Officer (General Sir Geoffry Scoones) I think you would wish to see the document before it is despatched and I should be glad to know that the proposal that it should be sent to Lord Ismay has your approval.[3]

LISTOWEL

Enclosure 1 to No. 219

TOP SECRET

INDIA—DEFENCE REQUIREMENTS

BRIEF FOR NEGOTIATIONS

The fulfilment of the main object of the United Nations, the maintenance of world peace, depends on the ability and readiness of the great powers to keep the peace. Because of the veto, the United Nations Organisation provides no security against war between the Great Powers.

2. In this situation, the only effective deterrent to a potential aggressor is tangible evidence of the intention and ability of the Commonwealth to withstand attack and to hit back immediately. The Commonwealth must, therefore, remain strong enough to demonstrate its ability to withstand, and its intention to counter aggression at any time. Whether, therefore, we are acting in pursuit of national policy or in support of the United Nations, it is necessary

[1] See No. 49, note 3. [2] cf. No. 143.

[3] Mr Attlee minuted: 'Yes, as a guide to Ismay I approve the statement. C.R.A. 24.7.47.' L/WS/1/1046: f 152.

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to maintain forces in peacetime to deter aggression which might lead to a major war, and to defend our own interests should war be forced upon us.

3. The association of Commonwealth nations is held together by common ideals and principles. It follows that, whereas the rights and policies of each nation are independently determined on a national basis, any threat to the security or principles of freedom of one of these nations is a threat to the future of the Commonwealth as a whole. Through the association of common ideals, the nations of the Commonwealth tend to act together. There is little point in such common action unless the will of the Commonwealth is supported by the united strength of its members. Provided this strength is maintained, the status and power of any one nation is, therefore, based not only on its national position, but on the strength of the whole Commonwealth association. This factor alone is an effective deterrent to any potential aggressive action against a member or members of the Commonwealth.

4. The partition of British India into two separate Dominions has affected the position of the Indian Continent in respect to war and to all questions of defence.

5. In the first place, like all other British Dominions, both India and Pakistan are absolutely free to decide in any threat affecting the security of any part of the British Commonwealth whether they would participate with other members of the British Commonwealth in war or not.

6. In the second place, the partition of India and, following naturally upon the assumption by India and Pakistan of Dominion status, the withdrawal of British troops, will seriously weaken the security of the Indian Continent and disorganise the navies and air forces of both Dominions. At such a period a greater burden is thrown upon the two Dominion armies in respect of both external and internal security. As the division of the Indian Army is now in progress, the possibility of protecting India from outside aggression has been seriously jeopardised for the time being to the dangerous point where surrounding nations may be encouraged to impose on her security. This weakness is exemplified by the recent Afghan demand for Indian territory adjoining the North West Frontier.

7. The Indian Continent has long claimed the moral leadership of the South East Asia countries. Through its dominant geographical position, the Continent also is in a position to affect the security of all nations dependent on the sea communications through the Indian Ocean. The stability and strength of the Indian Continent is thus the direct concern of other nations, since it affects their security. These nations, including those Colonies and Dominions within the Commonwealth association, cannot, therefore, forego a direct interest and

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anxiety that the authorities in India are not only conscious and alive to this responsibility to other nations, but display the necessary strength to ensure the peaceful use of the sea communications on which these nations are dependent. The discharge of this responsibility needs strength both to preserve internal order and prevent external domination or aggression.

8. It is the intention of H.M.G. to help—insofar as this is required—to ensure to the best of its ability that the Indian Dominions shall not suffer any loss of security either now or at any time in the near future as a result of their achievement of political independence. The long experience of the United Kingdom of such matters as the central organisation for defence, and of training, and the resources of this country in scientific research and development and industrial production, will also be available to the Indian Dominions. H.M.G. is willing to provide advice and technical assistance in the reorganisation of the land, sea and air forces of both Dominions. It would be prepared to come to their aid if a major threat developed to their security with the additional forces required to repel and defeat that threat.

9. In planning the broad strategy of the British Commonwealth as a whole, the Chiefs of Staff in the United Kingdom must take account of the fact that in the event of a major war the Dominions, though they have no obligation to participate, may in fact decide to do so. In the two world wars which have taken place in this century, the members of the British Commonwealth have acted together in the face of a declared enemy.

10. The advent of mass destruction weapons and other new means of offence, including the dangerous potentialities of chemical and biological warfare, has greatly increased the vulnerability of nations with dense and concentrated population and industries. The main implications of these new weapons are:—

(*a*) The possibility of achieving rapid and decisive results by the use of mass destruction weapons against industry and the civil population.

(*b*) There are greater possibilities than before of surprise attack and little likelihood of inactivity similar to the beginning of the last war which would allow us time to build up our strength before serious action is joined.

11. The efficient organisation and readiness of the forces of the Commonwealth to act together in an emergency is, therefore, the primary military Commonwealth task in peace. To this end, at a Conference between Commonwealth Prime Ministers in May, 1946, there was a general measure of agreement on the following principles:—

(*a*) A centralised system of Commonwealth defence is unlikely to be generally acceptable and might restrict freedom of action of the individual

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members of the Commonwealth in making bilateral arrangements for co-operation with allies.

(*b*) We must, therefore, set up some looser system for co-ordination which, we suggest, should be based upon the national defence organisations to be maintained in the United Kingdom and in each Dominion.

(*c*) The essence of this system is that the United Kingdom should maintain liaison in each Dominion, while the Dominions should maintain similar missions in London and in other Dominions as required.

(*d*) It may not be possible to bring this system fully into operation immediately, but provided the essentials are agreed, the necessary framework upon which the full organisation could grow will be available.

12. Any system which we devise must fulfil the following conditions. It must—

(*a*) Ensure that final co-ordination of, and executive decisions on, all matters of high defence policy within the Commonwealth are achieved by agreement between the Governments concerned.

(*b*) Provide the maximum degree of co-ordination on defence matters which the sovereign status of the members of the Commonwealth allows.

(*c*) Provide for discussion of Dominion views on world security problems.

(*d*) Be sufficiently flexible to cope with the varying outlooks and resources of the different countries of the Commonwealth.

(*e*) Be framed so as to allow the central direction of effort in war to be carried out from an alternative location to the United Kingdom.

13. The foregoing is an example of how military co-ordination is built up between members of the Commonwealth. Consultation on matters of the defence of the whole British Commonwealth now takes place between its members and it is now the practice to exchange liaison staffs with the United Kingdom. In this way consultation on questions of Commonwealth defence can proceed regularly and conveniently, but without involving any obligation or commitment whatever on the Dominion Governments to enter a war if they decided it was not in their interests to do so.

14. To sum up these factors—

(i) Providing facilities and co-operation are forthcoming to utilise the combined strength of members, the weight and position of each member of the Commonwealth is based on the strength of the whole association and not only on its national position.

(ii) Tangible evidence and the knowledge of the unity of members of the

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Commonwealth are effective deterrents against aggression. The degree of unity determines the ability to deter aggression.

(iii) The destructive capacity of modern weapons means that the readiness and strength of the armed forces of the Commonwealth must be preserved in peace.

(iv) The achievement of independence by India and Pakistan has brought heavy internal and external military responsibilities.

(v) For the time being, owing to the re-organisation of Indian Armed Forces, these responsibilities cannot be discharged to the degree required. This is a situation fraught with danger, not only to India but to countries who cannot disregard the effect on their own security.

(vi) The United Kingdom is prepared to aid India and Pakistan to enable these countries to play their part in the maintenance of their own tranquility and stability and the strength of the Commonwealth, on which in the last resort their continued peace and independence must depend.

(vii) To enable the United Kingdom to provide this aid, certain facilities must be placed at the disposal of the United Kingdom, India and Pakistan.

15. With these considerations in mind, the Chiefs of Staff have formulated their views on the strategic importance of the Indian Continent to the British Commonwealth as a whole, the role which the Indian Dominions might play and the consequential arrangements which ought now to be made. The views of the Chiefs of Staff are attached.

Enclosure 2 to No. 219

BRITISH DEFENCE REQUIREMENTS IN INDIA

Strategic importance of the Indian Continent to Commonwealth defence

From the point of view of the defence of the British Commonwealth as a whole, the Chiefs of Staff would like to be able to retain the assistance and co-operation of both India and Pakistan, in order that:—

(*a*) The Continent of India could continue to be a main support area in war, i.e. that we should continue to have the active co-operation of the Armed Forces of both Dominions and the use of the reserves of man-power and of the industrial potential which they can provide.

(*b*) We might have the use of strategic airfields in the event of a major war.

(*c*) We might have the use of the naval and air bases which are important to the security of the Indian Ocean and to the maintenance of our world-wide sea and air communications.

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Role of the Indian Dominions in war

2. On the assumption that the Indian Dominions decided to enter a war in which the Commonwealth became involved, the least that would make a substantial contribution to Commonwealth defence is that both States should:—

(*a*) Undertake primary responsibility for their defence on land and of their ports and coastal communications by naval forces.

(*b*) Accept the obligation to participate actively in the defence of India in the event of a threat developing in any of the neighbouring territories, including the possibility that this might entail employment of some of their forces outside their own territory.

Detailed Requirements

3. In order to enable the Indian Dominions to play their part in Commonwealth defence, and the United Kingdom to give them what assistance they required, arrangements would have to be made which would ensure the following:—

(*a*) The maintenance by India and Pakistan of land forces on a scale adequate to ensure the defence of the Indian Continent.

(*b*) The maintenance of the efficiency and modernisation of their Armed Forces, which must be capable of expansion in war, and the acceptance of British advice and assistance therein.

(*c*) The acceptance by India and Pakistan of the assistance of additional naval, land and air forces from Commonwealth resources together with the technical and other assistance necessary to ensure the defence of the Continent of India and that of the Indian Ocean in the event of war, and the admission on threat of war of R.A.F. units and of any other assistance which may be necessary.

(*d*) The maintenance of the necessary bases and communications for offence and defence at the required standard of efficiency and degree of readiness, the acceptance of the assistance of British supervisory personnel and the making available of these bases in war or on the threat of war. The retention of certain armament stores in the new Dominions is also most desirable by mutual arrangement.

(*e*) Air transit rights and facilities both in peace and war, irrespective of whether the new Dominions themselves are involved in the war. Air staging facilities for military aircraft will be required at the following airfields in peace:—

Mauripur
Palma

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Dum Dum
Jodhpur
Allahabad
Ranchi
Ahmadabad
Poona
Hakempet
Bangalore
Car Nicobar

(*f*) Agreement to take what defensive measures we consider necessary and to establish such facilities as we require in the Andaman, Nicobar and Laccadive Islands.

(*g*) Availability of Gurkhas for the Imperial Army and transit rights for Gurkha personnel through India and possibly Pakistan. This is of course already in hand.

(*h*) The exchange of liaison staffs with the United Kingdom to represent the views of their respective Chiefs of Staff on matters of common concern.

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Rear-Admiral Viscount Mountbatten of Burma to Sir A. Hydari (Assam)

Telegram, R/3/1/157: f 224

IMPORTANT *24 July 1947, 4.00 pm*
CONFIDENTIAL

No. 2918–S. Your 164 of 23 July.[1]
It is for Boundary Commission to interpret their terms of reference. I have been asked more than once to define them but have had to refuse.

[1] In tel. 164 of 23 July Sir A. Hydari asked whether he was correct in his interpretation that the scope of the Boundary Commission did not extend to Goalpara or any other district of Assam which was not contiguous to Sylhet district. R/3/1/157: f 214.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)
Mountbatten Papers. Official Correspondence Files: Finance (India)

IMMEDIATE NEW DELHI, *24 July 1947, 1.20 pm*
SECRET *Received: 24 July, 4.00 pm*

No. 2912-S. Sterling balances. I was glad to receive your telegram No. 9090 dated July 15th[1] on this subject.

2. A point I might have made is that any repudiation of the debts and any suggestion that India is not entitled to the money would have the worst possible effect here. I think there is some realisation here of Great Britain's difficulties and of the fact that only limited payments can be made. Probably the present negotiations will not cover the long term question of total balances at all, but if this question does come up I am sure we should take the line that we admit obligations even though we cannot make large payments at present.

[1] No. 119.

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Record of Interview between Lord Ismay and Mr Jinnah

Mountbatten Papers. Viceroy's Interview No. 168

24 July 1947, 5.15 pm

I started off by saying that I wanted to have a most serious and completely frank talk. It was no exaggeration to say that, as a result of a series of recent incidents, the Viceroy was almost in despair about the possibility of friendly co-operation with Mr. Jinnah. However much he (the Viceroy) tried to meet him and to help him, Mr. Jinnah always seemed to be in opposition. Over and over again it was the same story.

First there was the eleventh hour announcement by Mr. Jinnah that he intended himself to assume the appointment of Governor-General, Pakistan.[1] This had put the Viceroy in an extremely awkward position and, incidentally, had lost Mr. Jinnah a lot of ground in England amongst all shades of political opinion.

Secondly, the Viceroy had particularly asked Mr. Jinnah to restrain his Press from chortling over the fact that Congress were to have a European Governor-General, while Pakistan was to have one of its own nationals. Mr. Jinnah had undertaken to do this,[2] but the undertaking had not been fulfilled. *Dawn* had done precisely what Lord Mountbatten had wished them not to do.

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Thirdly, there was the question of the flag.[3] Mr. Jinnah was understood to have given his provisional agreement to a Pakistan flag with the Union Jack in the corner, but had subsequently said that he could not accept this.

Finally, Mr. Jinnah had now said that he could not fly the normal flag for a Dominion Governor-General over his official Residence and that he could not allow the Pakistan Navy to fly the White Ensign. These two refusals[4] were the unkindest cut of all, and the Viceroy (for reasons which I elaborated at some length) felt them so deeply that he had drafted a telegram to the Prime Minister saying that it seemed hopeless to try to co-operate with Mr. Jinnah and asking for instructions. Lord Mountbatten had, however, decided on further reflection not to send the telegram for the moment.

Mr. Jinnah listened patiently to all I had to say and then proceeded to deal with each of my charges in turn.

As regards the first point, he protested that he had from the start dissented from the idea of a joint Governor-General. He had always been sure—and he was still sure—that it would not have worked. I intervened to remark that our grievance was not so much the substance of Mr. Jinnah's decision, but the fact that he had waited until the eleventh hour to announce it. I reminded him that Sir Eric Mieville and I had asked Mr. Liaquat Ali Khan in the very early days of June to persuade Mr. Jinnah to nominate the Governor-General of Pakistan as soon as possible, and that if he had only said frankly and finally at that time that he proposed to be Governor-General himself, a great deal of misunderstanding and trouble would have been saved. Mr. Jinnah kept on reiterating that he had never given the Viceroy the slightest grounds for believing that he would agree to a common Governor-General and there seemed to be no object in pursuing the argument.

Mr. Jinnah then turned to the question of the Muslim League Press. He said that he had kept his undertaking and that the Muslim Press had done no chortling until the Congress Press had attacked Mr. Jinnah for having, in the first place, agreed to a common Governor-General and of subsequently having broken his word. This was an intolerable and untrue accusation which had to be countered. I observed that I had been away in London and had not seen the articles in question. I was not, therefore, in a position to continue the argument.

We then got on to the question of the Viceroy's original design for the Pakistan flag with the Union Jack in the corner. Mr. Jinnah admitted that, when this was first shown to him, he was inclined to see no objection to it, but added that when he discussed it with his colleagues they had at once pointed out that it would be impossible to have the cross and crescent on the same flag. All the

[1] See Vol. XI, No. 506, paras. 21–34.
[2] No reference to Lord Mountbatten's request or Mr Jinnah's undertaking on this matter has been traced.
[3] For the issue of the Pakistan national flag, together with the flags mentioned in the immediately succeeding paragraph, see Nos. 82, 112, item 2 and 162, paras. 25–29.
[4] cf. No. 228, para. 28.

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old hatreds and rivalries would be revived. I said that the Viceroy appreciated this difficulty, but that he could not understand Mr. Jinnah's objection to flying the Dominion flag over his Residence. At this point Mr. Jinnah seemed to be less sure of himself. He started off by dragging in the irrelevant observation that it was a mistake for the King to continue to sign himself "George R.I." after the 15th August. His Majesty would no longer be Emperor of India and if he were to continue to subscribe himself as such it would be resented. His next line of argument was that surely he was entitled to fly any flag he liked over his own personal Residence? I said that the residence was, in a sense, not a personal one. It was the residence of the King's representative and it seemed only right that the King's emblem should be flown.

Mr. Jinnah then went off into a long yarn about the constitutional position of Eire. He said that India and Pakistan would have the same constitution as Eire, i.e. unlike the other Dominions they would be able to secede without an act of the British Parliament. He was therefore in favour of the Eire model.

I said that I was not aware that the secession of Canada or Australia would have to be done by act of the British Parliament. But in any case I was not concerned with constitutions but with the practical applications thereof. Did Mr. Jinnah really wish the relations between Pakistan and the U.K. to be the same as those which now obtained between Eire and the U.K.? We did not help Eire with officers, or supply them with the latest equipment; nor did we admit them to our Staff Colleges. In fact, they enjoyed none of the benefits of a Dominion. Mr. Jinnah, on the other hand, appeared to be anxious to have a very large number of British officers and officials to help him and was insistent that he wished Pakistan to be at once and always a member of the British Commonwealth.

Mr. Jinnah then switched to another line. He said that he had acquired the reputation of having complete authority over his people merely because he always studied their views and wishes and faithfully expressed them. He was obviously gratified when I intervened to say that this was all that Mr. Churchill had claimed to do for the British people in 1940. He went on to say that although he personally would not object to flying the Dominion flag he had a feeling that his people might resent it. It would be a thousand pities if it were to be flown in the first instance, and subsequently had to be changed as the result of agitation in the Pakistan Parliament.

I said that I entirely disagreed. If Mr. Jinnah were to start off by flying his own flag instead of the Dominion flag, public opinion at home would attribute this lack of the customary friendly courtesies to Mr. Jinnah himself. Whereas, if he were to start off by flying the Dominion flag, and it was subsequently changed owing to pressure from his Parliament, public opinion in England would not take it nearly so badly.

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Mr. Jinnah said that he would have another talk with his colleagues on this point and would let me know the result.

Finally, we got on to the question of the White Ensign. To my great surprise, Mr. Jinnah said that he thought there must have been some misunderstanding. He was quite determined that the Pakistan Navy should fly the White Ensign, which was an emblem of comradeship between all the Dominion Navies. I said "Thank God": and we left it at that.

Considering the somewhat embarrassing character of our talk, the atmosphere throughout our meeting was most cordial.

As Mr. Jinnah was leaving the house, he stopped, put his hand on my shoulder and said with great sincerity; "I beg you to assure the Viceroy that I am his friend and yours for now and always. I beg that he should judge me by deeds and not by words."

ISMAY
25.vii. 47

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Pakistan and India, Plan of Action in event of clashes in neighbourhood of boundaries between the two Dominions

MOST IMMEDIATE NEW DELHI, *24 July 1947, 3.45 pm*
CONFIDENTIAL *Received: 24 July, 2.05 pm*

No. 2915–S. I am happy to inform you that I have secured the agreement of the Partition Council to publication of statement in my immediately succeeding telegram[1] which will be released at 19.00 hours, IST tonight. Please inform Prime Minister.

[1] No. 224.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Pakistan and India, Plan of Action in event of clashes in neighbourhood of boundaries between the two Dominions

MOST IMMEDIATE NEW DELHI, *24 July 1947, 4.00 pm*
EN CLAIR *Received: 24 July, 3.30 pm*

No. 2916–S. Press Note: At their meeting[1] at 5 P.M. on Tuesday July 22nd, 1947, the members of the Partition Council (which included Sardar Baldev Singh for this item) decided to issue the attached statement. Those present were: In the Chair—His Excellency the Viceroy; for the future Government of India—the Hon'ble Sardar Vallabhbhai Patel and the Hon'ble Dr Rajendra Prasad; for the future Government of Pakistan—Mr Jinnah and the Hon'ble Mr Liaquat Ali Khan; and on behalf of the Sikhs—the Hon'ble Sardar Baldev Singh.

2. Statement by the Partition Council. *Begins:* Now that the decision to set up two independent Dominions from the 15th August has been finally taken, the Members of the Partition Council, on behalf of the future Governments, declare that they are determined to establish peaceful conditions in which the processes of partition may be completed and the many urgent tasks of administration and economic reconstruction taken in hand.

Both the Congress and the Muslim League have given assurances of fair and equitable treatment to the minorities after the transfer of power. The two future Governments re-affirm these assurances. It is their intention to safeguard the legitimate interests of all citizens irrespective of religion, caste or sex. In the exercise of their normal civic rights all citizens will be regarded as equal and both the Governments will assure to all people within their territories the exercise of liberties such as freedom of speech, the right to form associations, the right to worship in their own way and the protection of their language and culture.

Both the Governments further undertake that there shall be no discrimination against those who, before August 15th, may have been political opponents.

The guarantee of protection which both Governments give to the citizens of their respective countries implies that in no circumstances will violence be tolerated in any form in either territory. The two Governments wish to emphasise that they are united in this determination.

To safeguard the peace in the Punjab during the period of change-over to the new conditions, both Governments have together agreed on the setting up of a

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special military Command from the 1st August covering the civil districts of Sialkot, Gujranwala, Sheikhupura, Lyallpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepore and Ludhiana. With their concurrence Major-General T. W. Rees has been nominated as Military Commander for this purpose and Brigadier Digamber Singh Brar (India) and Colonel Ayub Khan (Pakistan) have been attached to him in an advisory capacity. After August 15th, Major-General Rees will control operationally the forces of both new States in this area and will be responsible through the Supreme Commander and the Joint Defence Council to the two Governments.

The two Governments will not hesitate to set up a similar organisation in Bengal should they consider it necessary.

Both Governments have pledged themselves to accept the awards of the Boundary Commissions, whatever these may be. The Boundary Commissions are already in session; if they are to discharge their duties satisfactorily, it is essential that they should not be hampered by public speeches or writings threatening boycott or direct action, or otherwise interfering with their work. Both Governments will take appropriate steps to secure this end; and, as soon as the awards are announced, both Governments will enforce them impartially and at once. *Ends.*[2]

[1] No. 205, Case No. P.C. 81/8/47.

[2] In tel. 2921-S of 24 July to Mr Joyce, Mr Campbell Johnson explained that the full text of this statement was not approved until the morning of the same day and thus it had not been possible to give more advance notice of release. Campbell Johnson added: 'I am playing it very hard here both as a "charter of liberty" and as evidence of the two Governments' firm intention to ensure peaceful outcome of the boundary commission's decision. All support your end will be gratefully appreciated.' Joyce replied in tel. 9591 of 24 July as follows: 'We have issued Partition Council's statement fully to press but it was received a little late to mobilise editorial comment for tomorrow. We will do our best however to follow it up.' Mountbatten Papers, Official Correspondence Files: Pakistan and India, Plan of Action in event of clashes in neighbourhood of boundaries between the two Dominions.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/7/12596: ff 12–14

IMMEDIATE INDIA OFFICE, *24 July 1947, 6.00 pm*

PRIVATE

No. 92. Your telegram No. 1980–S of July 16.[1]

This question of honours for Governors-General is not at all simple. You will realise better than anyone else how important it is to safeguard the position of the King. It is an accepted practice that before any approach is made, however

[1] No. 125.

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informal, to a candidate for an honour, the King's formal authority is sought beforehand. The reason for this is clear. If an approach has been made without the King's prior authority and the King, when the matter is put to him, sees some objection, then the King's position is one of great difficulty. Either he must give way or else it is obvious to the candidate where the objection has arisen. The King's position is thus exposed which should never happen.

2. I realise that the position in India at the moment is almost without precedent, but this makes it all the more important that matters connected with honours should be dealt with, if possible, on established lines. Certainly the position of the Prime Minister of Pakistan may not be quite similar in the immediate future to that of the Prime Minister of a Dominion, but in all straight forward cases it is the practice to ascertain before any approach is made to a Governor-General that no objection is raised by the Prime Minister of the Dominion concerned.

3. I have set these matters out in some detail because Jinnah's conduct over the question of the Governor-Generalship during the interim period has hardly been such as to call for favourable recognition from the King. If he establishes in Pakistan a régime of autocratic rule by the Governor-General dissimilar to that in other parts of the British Commonwealth, as he apparently shows some signs of doing, it might be undesirable to have made him a Privy Counsellor. As I think you know, the King regards a Privy Counsellorship as one of the highest honours he can bestow; at the moment it so happens that of the Commonwealth Governors-General only the Governor-General of South Africa is a Privy Counsellor. I am glad, therefore, that you have not mentioned this possibility to Jinnah and you should not do so. Furthermore, if Jinnah is given such a distinction, embarrassment might arise over the award of a similar distinction to the Governor-General of India who succeeds you.

4. I think it best to let all these honours matters rest for the time being. They can be reconsidered subsequently if in fact there is any development on the lines of paragraph 2 of your telegram and if in the meantime all has gone reasonably well in Pakistan.

5. This telegram has been seen and approved by the Prime Minister personally. It is the Prime Minister of course who submits any recommendations for appointment to the Privy Council of the United Kingdom.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/117: ff 142–4

IMMEDIATE INDIA OFFICE, *24 July 1947, 7.00 pm*
Received: 24 July, 8.30 pm

No. 9551. My telegram No. 9156 of July 16th.[1]
The following questions have been put down for answer on Monday, 28th July:—

1. To ask the Under Secretary of State for India, whether it is intended that the freedom given to the Boundary Commission to take into account other factors than contiguous majority areas shall enable the commission to have regard only to the special circumstances of the Sikh community in the Punjab; or whether the location of the religious shrines of other communities will also be a factor to be taken into account by the commission.

2. To ask the Under Secretary of State for India, whether it is intended that the freedom of the Boundary Commission to take into account other factors than contiguous majority areas is to provide for minor local variations only, or whether substantial inroads into majority areas are contemplated, in order to unite minority shrines with their own majority populations.

It is proposed that Henderson should reply to them together in these terms:—

"The terms of reference of the Boundary Commission instruct it to demarcate the boundaries in question on the basis of ascertaining contiguous majority areas of Moslems and non-Moslems, but state that in doing so the Commission will also take into account other factors. As I emphasised in my speech[2] in Committee on Clause 3 of the Indian Independence Act, it is entirely for the Commission itself to decide what these other factors are and how much importance should be attached to all or any of them."

If further asked how the above reply accords with his statement on July 14th about Sikh shrines in the Punjab, Henderson would reply:

"My reference to Sikh shrines was by way of illustration only, and was not intended to give a specific meaning to the words 'other factors', as I went on to state that the decision as to what the other factors were was entirely a matter for the Commission."

If pressed as to why Sikh shrines were singled out for mention, he would reply that the location of shrines of other communities might equally receive consideration if the Boundary Commission so decided.

Your concurrence in or suggestions on the above is requested by Sunday night.

[1] No. 144.
[2] *Parl. Debs.* 5th ser., H. of C., vol. 440, 14 July 1947, col. 74.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND TOP SECRET *25 July 1947*

Dear Listowel,

Thank you so much for your long letter of the 18th July,[1] which I read with much interest.

2. I am sorry to hear that the Burmese leaders during their recent visit to the U.K. made it perfectly clear that there was no possibility of their changing their minds about leaving the Commonwealth. In the circumstances I fully appreciate that there is no possibility of rushing legislation through in the same way as has been done in the Indian Independence Bill, as it is obvious that there would be no chance of the Opposition co-operating on such terms.

3. But I am still worried whether at some future date we shall not find the Union of India wishing also to leave the Commonwealth—after all their vowed intent is still a sovereign independent republic—and I hope this matter is receiving consideration at home. In an earlier letter[2] I suggested the possibility, to which Rance had also referred, of some looser form of association within the British Commonwealth, and I am putting the staff out here on to thinking about this and trying to find out the way in which more prominent Indians are thinking. I have been wondering whether some form of common citizenship, as was proposed for France and England in the summer of 1940, might be a possible solution and I shall be grateful for any thought on this matter from you at home.

4. In speaking of Burma I need hardly say how distressed and shocked I was to hear of Aung-San's death.[3] In my opinion, he was far and away the outstanding man of that group and I had hoped that he would occupy an outstanding position in Burma for many years to come. I do not think any of the others are up to his standard, and, although no one is irreplaceable, I fear that affairs in Burma will be much more unsettled now that he is dead. I suppose there is no chance of persuading the new Government to give Dominion status a trial.

5. I am sorry the announcement[4] about the partition of the Armed Forces took you by surprise. Had there been time I would certainly have kept you informed, but it was a delicate matter securing agreement on so complicated a subject. Not only the political parties but also the Commander-in-Chief had to be carefully handled. With the valuable help of Ismay and Trivedi I managed to secure an agreement, and it was essential that once the negotiations were

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completed the formal decision of the Partition Council should be recorded and the announcement made. This was one of the biggest hurdles we have jumped since I came out here, and had I known I should have to jump it so soon I would have let you know, though clearly it was for the Partition Council to make the decision.

6. Jinnah has offered East Bengal to Killearn,[5] who with Lady Killearn has been staying with us. They are now on a visit to Dacca to see if they can find adequate accommodation, and I think the final answer will probably depend on that, for they have a family of small children and there are practically no modern sized houses in that one-horse town.

7. I was very sorry that Slim decided not to accept the appointment of Commander-in-Chief, India; I have had a very nice letter[6] from him and I fully see his point of view. I understand that he felt he had been away from India too long, that he did not know the new Government or the new set-up and that he felt he would not fit in. I know him so well that I am sure there is nothing anti-Indian about him but that this is a perfectly straightforward honest opinion. Fortunately in Lockhart we have a most capable substitute.

8. I fully appreciate all that you say about Krishna Menon. I was aware that he is "persona non grata" in many circles at home, and I would not say that he was popular or entirely trusted here. But he has been the very greatest help to me in the past difficult four months. Fortunately I made his acquaintance some years ago in England when he was very much an outcast because of his left-wing views and activities. He has never forgotten this and I have found him a valuable contact between Nehru (whose complete confidence he has) and myself, and through him I have been able to be particularly well informed about the trend of Congress thought and opinion. I need not stress how useful this has been to me since I came out. In fact with V. P. Menon and his close contact with Vallabhbhai Patel I have been able to know all that has been going on in both "camps" in the Congress Party.

9. With reference to the postcripts in your letter I am passing on to Nehru Menon's message about his meeting with the Opposition.

10. The official telegram about the cruiser must have crossed your letter, as it was despatched by Defence Department on the 14th July, telegram No. 2457.[7] I am afraid as regards personnel it will not give the Admiralty all the details they

[1] No. 166. [2] Vol. XI, No. 368, para. 6.
[3] Aung-San and six other members of the Burma Executive Council were assassinated on 19 July. *The Times*, 21 July 1947.
[4] See Vol. XI, No. 506, para. 2.
[5] See No. 29, note 1.
[6] Not traced. [7] L/WS/1/1006: f 16.

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require. But at least it will let them know officially that India once again wishes to acquire the Achilles.

11. Thank you so much for the confidential information you gave me about Smuts and the Indian position in South Africa. This is not a matter which I have so far discussed personally with Nehru, though it has often come up in Cabinet. I will try and draw him out at some convenient opportunity, as I do not think this unsatisfactory state of affairs should be allowed to continue within the Commonwealth.

12. I am so glad to hear of Jagjivan Ram's programme at home and I am most grateful for all that was done to him on his initial visit to England. I am so glad that he survived the crash in the desert as he is a cheerful little man and I should have been sorry if he had been killed. I have not yet had full details of the crash, but I gather that through dust storms they were unable to land either at Basra or Shaiba and had to do a belly-landing in the desert. I think they were exceedingly lucky that they were not all killed.

13. I am certainly attracted to the idea of having someone on my staff, even for a short period, who is conversed in Dominion procedure and I shall be most grateful if you will go ahead with this. I think the earlier he can come out here the better and I think he will be a help not only to me but to the members of the Government.

[Paras. 14–16, on food situation and Indian Medical Service officers, omitted.]

17. I have been reading Hansard both for the Commons and the Lords during the past week and I am filled with admiration at the way the Bill went through both Houses. If it is not out of place I should like to congratulate you and the members of the Government concerned heartily on this achievement. It is obvious that a very great deal of work must have been put in behind the scenes to smooth the passage of the Bill and to prevent the Opposition from raising controversial points, and I can assure you that I am most grateful to you for all that has been done. I need not say how high the British Government's stock stands out here at present for their honesty and good faith, and the smooth and swift passage of the Bill has been the greatest help to me personally in my relations with the Indian leaders. If you see fit I should be very glad if you would pass my warmest thanks to all concerned.[8]

MOUNTBATTEN OF BURMA

[8] Lord Listowel circulated this paragraph to the India and Burma Committee under reference I.B. (47)151 of 1 August. L/P &J/10/124: f 16.

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Viceroy's Personal Report No. 14

L/PO/6/123: ff 196–203

TOP SECRET *25 July 1947*

PERSONAL

Work still continues here at high pressure. In addition to the usual thrice-weekly meetings of the Partition Council, I visited Lahore on Sunday the 20th July. I have also been carrying out some intensive preliminary work in connection with the meeting with States representatives.

2. The referendum in the Frontier Province resulted in an overwhelming vote for joining Pakistan,[1] which was inevitable in view of the boycott carried out by the Congress Party. The actual figures were:—

Valid votes for Pakistan	—289,244
Valid votes for Hindustan	— 2,874
Majority	—286,370
Percentage of valid votes to electorate entitled to vote was 50.99%.	
Valid votes cast in last election were	—375,989
Total electorate entitled to vote in referendum was 572,798; therefore votes for Pakistan were 50.49%.	

3. It is particularly satisfactory that over 50% of the total electorate voted for joining Pakistan (and the total votes cast were only 15% less than last time without a boycott), as that disposes of any possible argument on the Congress side that, in spite of the boycott, the Province was not really in favour of joining Pakistan.

4. Before I visited the N.W.F.P. at the end of April[2] I was assured by Nehru[3] and by other Congress leaders that any form of election or even referendum would be a gross injustice, since the last election had proved conclusively that the Frontier was solidly against Pakistan. My argument was that the vote against Pakistan was really a vote for a united India, and that once India was to be partitioned they had to be given a fresh chance of deciding which of the two new States they would join.

[1] See No. 187. [2] See Vol. X, No. 276, paras. 7–19. [3] *Ibid.*, No. 167.

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5. My visit to the N.W.F.P. confirmed me in the view that they would join Pakistan. I am therefore particularly glad that I insisted on the referendum in spite of the strongest possible opposition up to the morning of the 3rd June from Congress. They also prophesied that there would be the most frightful rioting and bloodshed if I insisted on the referendum. It is therefore all the more satisfactory to record the absence of any really serious disturbance during the ten days which the referendum occupied.

6. I visited Lahore on Sunday 20th July and had a meeting[4] with the Punjab Partition Committee when I discussed the points I referred to in paragraph 3 of my Personal Report No. 13.[5] It was agreed that the Government of East Punjab should, in any case, move all unessential personnel to Simla on 10th August, though it now appears there may not be adequate room for them all in Simla.

7. It was further agreed that, if the decision of the Boundary Commission places Lahore in the West Punjab, the remnants of the East Punjab Government should leave Lahore by midnight 14th/15th August; and that, if Lahore was placed in East Punjab, the Government of West Punjab should leave Lahore by midnight 14th/15th August—and that detailed plans should be made for this contingency beforehand.

8. It was agreed that the posting of officers should continue on the basis of the notional partition except in the case of Deputy Commissioners and Superintendents of Police in the districts of Gurdaspur, Amritsar and Lahore.

9. In these three districts, which are the most disputed areas, there happen now to be British Deputy Commissioners and Superintendents of Police. It was agreed that these should remain in control until the 15th August, but that each side should be entitled to nominate personnel ready to take over from them, and that there would be no objection to these personnel being attached to the districts in advance of the 15th August, though without any executive authority. On the 15th August the British officials, and on or before that date the personnel of the Government *not*[6] entitled by the award to assume control, will be withdrawn.

10. I am glad to be able to report that all the members of the Punjab Partition Committee, and particularly the Sikh member, Sardar Swaran Singh, declared that their parties would accept and abide by the decision of the Boundary Commission, in spite of threats in the press by both Muslims and Sikhs that they would fight rather than accept an "unfair" award.

11. I told them that the Central Partition Council had decided to issue a statement reassuring minorities and warning against disturbances. I am glad to be able to report that the members of the Punjab Partition Committee

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agreed to issue a similar statement, signed both by themselves and by as many of the influential leaders in the Province as possible.

12. I also discussed with the Punjab Partition Committee the question of military measures which might have to be taken in the Punjab along the boundary line before the Boundary Commission's award was announced. In conjunction with the Commander-in-Chief, the Army Commander and the Punjab Partition Committee, it was decided that special military measures should be taken in twelve of the fourteen disputed districts.

13. All these points which I discussed at Lahore were put to the Partition Council in Delhi on Tuesday, 22nd July,[7] and they approved unanimously the proposals which had been made, and were delighted at the solution of the Punjab deadlock.

14. I referred in paragraph 7 of my Personal Report No. 13 to the joint statement giving full assurances to minorities and former political opponents in both Dominions; I am glad to say that I had this agreed to[8] by both parties and Baldev Singh and it was issued to the press on the 24th July. I attach a copy for reference as Appendix I.[9]

15. On the 19th July I received a delegation from the Kalat State to discuss the return of the leased areas together with the Member and Secretary of the Pakistan States Department.[10] The Kalat State's representatives claimed that they were an independent sovereign State in treaty relations with the British Government. The Pakistan States Department readily agreed to this view since, in their opinion, the successor authorities in India would inherit any treaty obligations with foreign States on behalf of India, whereas of course the Indian Independence Bill renounces all treaties entered into with Indian States. The matter has now been referred for legal opinion, and it looks as though if the Khan of Kalat insists on his independent status it will cost him the leased territories including Quetta—a high price to pay for vanity. Finally I instructed the Kalat representatives to request the Khan to come and see me and Jinnah in person so as to settle all outstanding details together, and he arrives tomorrow.

16. I have had a preliminary meeting[11] this week with Sir C. P. Ramaswami Aiyer who has been bombarding me with telegrams and issuing statements[12]

[4] cf. No. 191, Item 2 and its note 1.
[5] No. 162. [6] Emphasis in original.
[7] See No. 205, Case Nos. P.C. 74/8/47 and 80/8/47.
[8] See *ibid*, Case No. P.C. 81/8/47.
[9] Not printed; for the statement as issued, see No. 224.
[10] See No. 174.
[11] No record of this meeting has been traced but cf. No. 185.
[12] See eg No. 146.

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to the press during the last month about the independence of Travancore after the 15th August. At my meeting with him on the 22nd July he started off by presenting his own case through the medium of a series of files. The first of these contained a number of rather amusing cartoons, to which he took the greatest exception, and in particular one published that morning showing him being spanked by me at this very meeting! The next contained a number of rude cuttings about himself. I advised him to follow the example of Lord Balfour and not to read the newspapers if he is going to let himself get upset in this way. The next file contained cuttings to prove that Gandhi was a dangerous sex maniac who could not keep his hands off young girls. He considered him to be the most dangerous influence in India, and said that if he insisted on backing the unstable Nehru against the realistic Patel he would break up the Congress Party within two years. Sir C. P. said that he was not prepared to ally himself with such an unreliable Dominion.

17. By the end of an hour, Sir C. P. had worked off his emotional upset. He claimed that the statements which he himself had made were devised for the consumption of the people of Travancore itself, who were the highest educated in India. He declared that Travancore would never accede to the Dominion of India: he had indeed already made preliminary terms with Mr. Jinnah, including a trade agreement.[13] I pointed out to Sir C. P. that there could be no objection on the part of the Dominion of India to a trade agreement between Travancore and Pakistan. I went on to say that the States had never controlled their own foreign affairs and defence; and to emphasise the advantages of accession on these two subjects and on communications.

18. Finally, after I had worked on him for more than two hours he came round as far as to say that he might consider a treaty with India. I felt that we had made some progress and let him go and sent V. P. Menon to work on him. Then next day he came back and I informed him that Patel would not be prepared to accept a treaty; Travancore could either accede to the Dominion or stay right out. I said that Dalmia had that morning paid 5 lakhs of rupees into the Travancore Congress Party funds in anticipation of starting internal trouble after the 15th August, and that I was confident that there was more to follow. I pointed out that his only escape from internal trouble lay in accession before the 15th August. He then said this was indeed a serious matter and asked me to write a letter[14] to his Maharajah putting my proposals before him, so that he could take His Highness' pleasure. As I gather the Maharajah is completely under Sir C. P.'s thumb I cannot but feel that this advice has at least left the door open for Sir C. P. to come in at the last possible moment, provided he finds that I have been able to get every other State into line.

19. Before leaving, he asked me what the position of Travancore would be if India decided to leave the Commonwealth. He asked me if the Maharajah

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would have the right then to secede from India and whether His Majesty's Government would then allow him to remain within the Commonwealth. I told him I was unable to give him any official opinion, but I thought that it would not be difficult to disentangle himself from India if he had only joined on the basis of the three central subjects; and that whereas His Majesty's Government would never have agreed to allowing the Maharajah to enter separately on a Dominion basis as they did not wish to Balkanise India, I thought he would have a somewhat different case in demanding not to be thrown out once he was in. I re-emphasised, however, that I could give him no assurance beyond pointing out that if he did not accede he would never get into the Commonwealth, whereas if he was once in there might be some prospect that he would be allowed to stay in; and that if all the other States shared his view there would be a good chance that India would not wish to leave the Commonwealth in any case.

20. The Hyderabad delegation is back,[15] and although Sir Walter Monckton had done noble work in bringing the Nizam up to the point of saying that he would accept a treaty with India on the three central subjects, I told them that this would not be good enough, and that the Nizam must accede. Meanwhile the Nizam had written to Jinnah behind Monckton's back saying that he would not take any step without Jinnah's concurrence. The delegation went to see Jinnah who fortunately behaved in his most megalomaniac manner, which put everybody's back up. He said that he could not agree to the Nizam joining India even if he inserted a clause that his forces must never be used to fight Pakistan, for, he said, "I require Hyderabad as an active ally and not as a neutral in any such war".

21. Monckton and I have now agreed together on a co-ordinated plan of campaign to bring the Nizam in, and I have offered to fly down if Monckton feels that he requires my help to pull it off.[16] As a last resort I shall offer to make his second son "His Highness",[17] which I believe would carry a great deal of weight with him; and now that paramountcy is about to be relinquished, this would not create any awkward precedents for us.

22. If we can get Hyderabad and Travancore in I think that nearly all other States will accede. If they refuse there are quite a number of other States (such as

[13] cf. No. 192, para. 4. [14] No. 203.

[15] No record of a meeting between Lord Mountbatten and the Hyderabad delegation during the week covered in this report has been traced but cf. No. 240.

[16] The question of Hyderabad was discussed at the Viceroy's Sixty Second Staff Meeting (Item 2) on 23 July when Lord Ismay reported that he had been informed by Sir Walter Monckton that the Nizam had declared that he would not accede to the Indian Dominion until he knew more about the future prospects, eg whether there was a likelihood of trouble between Pakistan and India and whether it was probable that India would remain within the Commonwealth. Lord Mountbatten stated that he would interview Monckton after the Staff Meeting. No record of this interview has been traced.

[17] See No. 11.

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Mysore, Bhopal and Dholpur) who may stand out. I am working hard on the representatives of these three States and believe we shall either get them all in together or have a considerable number standing out.

23. I should like to say here in parenthesis that in my talks with the Rulers I have been surprised by the great store they set not only by retaining their existing honorary military ranks and British decorations and being allowed to remain honorary As.D.C. to the King, but even greater anxiety that they should not be cut off from future consideration as A.D.C. to the King or from receiving British decorations for themselves or their subjects who distinguish themselves. To my equally great surprise Sardar Patel the Member in charge of the States Department, when I raised this aspect with him, said that so far as the future Government of India were concerned they were only too delighted that those States who acceded to the Dominion should remain in courtesy relations with the Crown and be allowed to accept British decorations, ranks and honours. I am sure that this news of the attitude of the future Government of India will be very welcome to His Majesty and to the Cabinet, and it gives me an added lever to bring the States into line before the 15th August.

24. When one thinks that a month ago Congress were insisting that States should join the Constituent Assembly and wished them to join a Constitution which would give them large financial control within the States, I must say that the offer which is now being made is a tremendous advance for the States. It boils down to this—"accession before the 15th August to the Dominion of India for Defence, External Affairs and Communications without any interference in internal autonomy or jurisdiction or any financial implications".

25. I have not yet got Patel to agree to all these terms and even if I get his agreement, he has yet to fight them through the Congress Working Committee. But I am positive that if I can bring in a basket-full of States before the 15th August, Congress will pay whatever price I insist on for the basket. As Monckton put it—"You are selling something you haven't got, but I shall certainly recommend My Exalted Highness to buy it". I need hardly say that unless we can pull this off, India will be in a bit of a mess after the 15th August.

26. As far as Pakistan is concerned Jinnah says he will offer States Treaties of accession along the same lines, but insists on dealing with each State separately.[18] As he only has the States of Baluchistan, Bahawalpur, Chitral, Dir, Swat and Khaipur who wish to join him and possibly Kashmir, this is reasonable. But as India would have to deal with some 550 other States we cannot possibly start separate negotiations, and I attach as Appendix II[19] a copy of the instrument of accession, which V. P. Menon has drafted, which I am putting before the full meeting of Rulers and States' representatives at the inaugural meeting in the Chamber of Princes this afternoon.

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27. Liaquat Ali Khan tells me that the situation between the Pakistan and India officials has become so tense that he does not know how much longer they can continue working together. Since the reconstitution of the Government, the Secretaries of Pakistan Departments have been turned out of their offices and told to work among the clerks, so that in some cases they have had to move tables and chairs out and are working under the shade of trees. Liaquat was kind enough to admit—"I was one of the strongest opponents of rushing partition through by the 15th August, as I did not think it could be done, but I now wish to God you could get partition through by the 1st August".

28. I got both Jinnah and Nehru to agree that their Navies would fly the white ensign at the ensign staff and the Dominion Flag at the jackstaff, and that the Governors-General would fly the regular Dominion Governor General's Flag, with the King's crest and the name of the Dominion. When I showed Jinnah the design of his new flag he announced that he had changed his mind and he intended to design his own flag with his own monogram on it, and he regretted that he could not allow his ships to fly the white ensign. He was only saved from being struck by the arrival of the other members of the Partition Council at this moment. However, I sent Ismay round to beat him up as soon as possible, and Jinnah claimed that I must have misunderstood him as of course he was keen that the Pakistan Navy should fly the white ensign, and talked glibly about the "brotherhood of the seas".[20] He also said that he would reconsider whether he would have the King's crest or his own monogram!

29. My wife came with me to Lahore, and while I was in conference in the morning she visited hospitals and the Punjab Public Health School. Some severe riot casualties were brought into the hospital whilst she was there. In the afternoon she accompanied me round the riot areas. On the following day my wife flew to Sialkot to visit the Northern Red Cross Home for Disabled ex-Servicemen, where she was satisfied to see the care that is being provided for these men.

30. From press accounts one might imagine a quarter or even half Lahore was burnt. Although the damage is bad enough the actual figures are 5% of walled city destroyed and I believe about 1% of the whole of Lahore.[21]

M. OF B.

[18] cf. No. 139.

[19] Not printed. For the final version of the Instrument of Accession, see Enclosure 1 to No. 313.

[20] cf. No. 222.

[21] In his letter of 29 July to Sir G. Abell, forwarding a copy of a report he had written on the Lahore disturbances in 1947, Mr J. C. W. Eustace, the Deputy Commissioner at Lahore, explained that Lord Mountbatten had, during his recent visit to that city, asked for certain information to meet criticism about the failure of the British administration in Lahore. Eustace also commented that he was 'a bit shaken to find how surprised Lord Louis was to see so much of Lahore standing'. For the letter and report, which bears the same date and contains detailed statistics on the scale of the disturbances, see R/3/1/91: ff 77-83.

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Mr Jinnah to Sir E. Mieville

R/3/1/165: f 30

10 AURANGZEB ROAD, NEW DELHI, *25 July 1947*

Dear Sir Eric Mieville,

I am in receipt of your letter of 20th July, 1947[1] and I thank you for it.

I have carefully considered the matter and I regret to say that it is not possible for me to meet Abdul Ghaffar Khan and discuss an agreement on the basis reported to you by the Governor of the N.W.F.P. I am sure you will see that all these matters can only be dealt with by the Constituent Assembly of Pakistan who will frame the constitution for the Pakistan Federation. It is obvious that I cannot negotiate with any section or party over the head of the Constituent Assembly. Besides, I have no power to commit the Constituent Assembly in advance or anticipate their final decisons.[2]

Yours sincerely,
M. A. JINNAH

[1] No. 183.

[2] Lord Mountbatten conveyed the gist of this reply to Lieutenant-General Sir R. Lockhart in tel. 2938 of 25 July. Mountbatten Papers, Official Correspondence Files: North-West Frontier Province, Situation in, Part II.

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Master Tara Singh to Mr Attlee[1]

L/P&J/7/12465: f 75

NO. E/101 SHIROMANI AKALI DAL, HEAD OFFICE, AMRITSAR, *25 July 1947*

Dear Sir,

The Shiromani Akali Dal, the only Sikh political organisation is sending a Sikh Deputation with Principal Ganga Singh as its leader to London to place before you the urgent case of our community. We fear that the notional division of the Punjab will cut our community into two and thus threaten our existence and may lead to very grave consequences. We want to avoid it if possible; with this idea this deputation is coming to your country. I sincerely hope that you will

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give them some time to explain our case to you and help them in every possible way.

Thanking you in anticipation.
I beg to remain,
Yours sincerely,
TARA SINGH

[1] Master Tara Singh wrote a similar letter to Lord Listowel. On 6 August the Sikh Deputation forwarded these letters of introduction to Mr Attlee and Lord Listowel and also wrote separately to each of them asking them 'to find some time before the Boundary Commission gives its award to hear the representatives of six million of Sikhs who flocked around Britain's banner as one man in the last great wars'. The deputation had, in fact, already seen Sir Paul Patrick, an Assistant Under-Secretary of State at the India Office, on 1 August. Patrick's note of this interview, together with a copy of 'The Sikh Memorandum to the Punjab Boundary Commission' and a copy of a brief Statement of the Sikh case which the deputation left with him, may be found on L/P&J/7/12465: ff 81, 86. Attlee subsequently declined to receive the delegation. Listowel offered to meet members of the delegation in order to make their acquaintance but made it clear in so doing that he would not be able to say anything about the Boundary Commission. See *ibid*, f 46 and No. 397.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET INDIA OFFICE, *25 July 1947*

Dear Mountbatten,

Thank you for your personal report No. 13[1] which, as usual, I have read with the greatest possible interest.

2. We were delighted last night to get your telegrams 2195–S and 2196–S[2] and you are indeed to be congratulated on securing the agreement of the Partition Council to this important statement. It is to be hoped that it will have a calming effect throughout all the areas affected by partition and will help to discourage any large-scale migration of Muslims to Pakistan and Hindus to the territories of the future dominion of India; it has been disturbing to learn from Indians I have met in this country recently that such migration will be the natural tendency. It is also encouraging to learn from your latest personal report that Radcliffe has formed a favourable impression of the members of the Bengal and Punjab Boundary Commissions.

3. I sincerely hope that the absence of any information to the contrary can be taken as meaning that your solution of the problem of the Interim Government during the period that remains to August 15th is working out satisfactorily in practice.

[Para. 4, on the Indian Art Exhibition, omitted.]

[1] No. 162. [2] Nos. 223 and 224.

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5. I was also very glad to hear that all the leaders have so warmly welcomed the suggestion that Ismay and some of your staff officers should remain on with you during the transition period. As you say, Ismay may prove of the greatest help as a link between you and Jinnah.

6. I think we can regard the arrangements you have come to with the leaders about flags as satisfactory. It is clearly desirable to avoid pushing them so far in the direction of accepting the "externals" of dominion status that they will forfeit the confidence and support of their followers.

7. Since I last wrote there have been the tragic events in Rangoon.[3] Aung San is, of course, a tremendous loss both to Burma and to us since we had put our confidence entirely in the will and ability of A.F.P.F.L. to take over power from us and exercise it worthily. At the same time it is indeed fortunate that Thakin Nu who, though not perhaps of quite the same calibre as Aung San, is undoubtedly a man of fine character and a potential leader, should have been spared and should so recently have visited this country and made the acquaintance of Ministers. It is, of course, disquieting that any degree of suspicion should attach to British officers over the theft of arms and ammunition from the Base Ordinance Depots and regrettable, though not altogether surprising, that this suspicion should have helped to engender some degree of anti-British feeling. I have considerable confidence, however, that Rance and Thakin Nu between them will succeed in keeping the ship level and on its course.

8. A member of my staff has been shown confidentially by a member of the American Embassy the instructions issued by the State Department to the U.S. Ambassador at Delhi about the attitude that he and American officials should observe towards the Indian States. The State Department have indicated that they do not wish any formal dealings to occur between American representatives and the governments of Indian States while the negotiations for the inclusion of the States in one or other of the two Dominions are continuing. They recognise that at some later time it may be necessary for the U.S. Government to determine its attitude towards any States which remain outside the two Dominions but they attach importance to their remaining uncommitted so long as there is any prospect of the States who have asserted claims to independence entering into political arrangements with one or other Dominion. This is very satisfactory. There are indications, however, that the attitude of the French Government, particularly in regard to Hyderabad,[4] may not be quite so sound but the Foreign Office are taking such steps as they can to prevent the French going off the rails.

[Para. 9, on the B.B.C's plans for their programme dealing with the transfer of power in India, omitted.]

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10. I telegraphed to the Finance Department of the Government of India on the 19th July, No. 9306,[5] asking that the Central and Provincial Governments should be invited to reconsider their attitude on the question of applying the Pensions (Increase) Act, 1947 to Indian pensioners in the U.K. I hope you will take any opportunity that offers itself for influencing the Indian leaders to change their minds on this matter. The question has already aroused considerable interest in this country, both inside and outside Parliament, and I fear that the refusal of the Indian leaders to extend the benefits of the 1947 Act to their pensioners in this country may afford an opportunity to throw doubts on the sincerity of the undertaking of the new Governments to maintain existing conditions of service.

[Para. 11, on the Empire Forestry Conference, omitted.]

12. In my last letter[6] I also mentioned (paragraph 11) that the promised official telegram[7] from the Defence Department about the cruiser for India (Hindustan) had not yet been received. I am afraid I owe you an apology for this as the telegram had, in fact, been received on the 15th July but I had not seen a copy. This matter will, of course, now be pressed forward.

13. In conclusion, I might mention that on Friday last, after acting as a Royal Commissioner for the purpose of the King's Assent to the Indian Independence Bill, I attended a very successful inaugural luncheon of the newly formed association of Indian Journalists in London. It was altogether a very successful affair and the Association, which should be of the greatest assistance to us in the future, could not have had a more auspicious inauguration. This was largely due to your message, which I read to the gathering.

14. I have now arranged a luncheon for Krishna Menon on 5th August, to which prominent figures in all three Parties in the Lords and Commons have been invited. Menon would be reassured to know that you have mentioned this to Nehru, and that it has his approval.

Yours sincerely,

LISTOWEL

[3] See No. 227, note 3. [4] See No. 176. [5] Not printed. [6] No. 166.
[7] L/WS/1/1006: f 16.

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Cabinet

India and Burma Committee. Paper I.B.(47)146

L/P&S/13/1843: ff 106–8

HYDERABAD

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

SECRET INDIA OFFICE, *25 July 1947*

I circulate, for the information of the Committee, a letter dated 9th July[1] from the Nizam to the Viceroy, in which the Nizam:—

(*a*) protests against our unilateral repudiation without consultation of our Treaties with Hyderabad in Section 7 of the Indian Independence Act;

(*b*) expresses the hope that a link between Hyderabad and the British Crown is still possible;

(*c*) declares his intention to negotiate with the new Dominions practical arrangements covering Hyderabad's relations with them for a transition period;

(*d*) asks that his letter be placed before His Majesty's Government and reserves his right to publish it.

2. On 11th July the Viceroy, with the assistance of officials, met a Delegation from Hyderabad led by the Prime Minister of the State, the Nawab of Chhatari, and including Sir W. Monckton.[2] At this meeting:—

(i) The Viceroy explained that, although Hyderabad is a country the size of France with a population bigger than that of any existing Dominion, it was surrounded by British Indian territory and His Majesty's Government could not undertake the defence commitment which acceptance of Hyderabad as a separate Dominion might involve. Hyderabad could remain part of the Commonwealth only by adherence to one of the new Dominions. The Hyderabad Delegation replied that Hyderabad had affinities with Pakistan as well as with the Union of India and would have difficulty in compromising its independent sovereignty. If it had to join one of the new Dominions it might prefer Pakistan. The State would be in a difficult position in the event of disputes between Pakistan and India and would favour arrangements for the peaceful settlement of such disputes and for joint defence.

(ii) The Viceroy explained that the Union of India are ready to accept the adherence of States even if this is confined to defence, external affairs and communications, and that, if Hyderabad accepted this offer, her

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representatives in the Dominion Legislature would give her a voice in the future of that Dominion. The Viceroy suggested that it might help Hyderabad if the Nizam sent him a letter,[3] not for publication, making any necessary reservations to his adherence to the Union of India, such as that Hyderabad would remain neutral in the event of hostilities between Pakistan and India, and that she would have the right of secession.

(iii) On Berar (which cannot legally continue to be administered as part of British India after 15th August without a new agreement between Hyderabad and the Union of India), the Hyderabad Delegation said that the Nizam would agree to a temporary stand-still arrangement, provided that this was regarded as a transition to the transfer of Berar to Hyderabad administration. The Nizam would agree to give Berar a free and responsible Government with a Governor appointed by him. The Viceroy replied that Congress would ask for a referendum if the proposal for the transfer of administration was pressed. He suggested a standstill arrangement of indefinite duration, liable to denunciation by either side at 12 months' notice.

(iv) On Secunderabad, agreement was reached on the retrocession of the Cantonment Area, and on the principle that Indian troops would be withdrawn as soon as possible, but that withdrawal could not be completed by 15th August.

3. The Hyderabad Delegation have returned to Hyderabad for consultation with the Nizam and are due back at Delhi for further discussions with the Viceroy on 24th July,[4] preliminary to the Conference between Sardar Patel[5] and representatives of all States on 25th July.

4. The Viceroy considers that he was able to bring the Hyderabad Delegation much further along the road to agreement than anybody could possibly have hoped, and that if he can once get Hyderabad to stop talking of complete independence, this would set an example which no other State, not even Travancore, could resist.[6]

5. I have also received a proposal from the Viceroy, to which The King has been pleased to agree, that, in the event of Hyderabad adhering to the Union

[1] No. 33. [2] See No. 61.

[3] The correspondence on file in the Mountbatten Papers indicates that the Nizam of Hyderabad did not write to Lord Mountbatten again until 8 August. See No. 376.

[4] See Nos. 228, paras. 20–21 and 240.

[5] It had in fact been decided that Lord Mountbatten would meet representatives of the States separately and that Sardar Patel would not be present at the conference: see Nos. 37, Item 2, and 217, para. 2.

[6] See No. 65, para. 32.

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of India, the title of "His Highness" should be given to the second son of the Nizam. Lord Mountbatten understands that this may have a real influence on the Nizam's decision.[7]

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[7] See No. 11 and its note 4.

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Mr Weightman to the Earl of Listowel (Extract)

L/P&J/7/12505: ff 6–9

ALTNAHARRA HOTEL, LAIRG, SUTHERLAND, *25 July 1947*

Dear Lord Listowel,

Thank you very much for your letter of the 21st July[1] and for your kindness in explaining the issues involved in this matter of the offer of Baluchistan.

I know Jinnah fairly well and I know Baluchistan and its people intimately. I know too that these people have little regard for Jinnah and the League and that they would look on me as an old friend whom they would expect to "protect" them from Jinnah and his henchmen. I dare say it would be easy enough to steer a middle course but it would be vastly unpleasant and the possibility of a really bad misunderstanding would be always present.

That however is not the main difficulty. If I had to serve in India I would frankly prefer to serve Nehru rather than Jinnah. And I have no belief in the working possibility of two Indias. Nehru knows this for I have talked and written to him often on the subject, and he knows too that I have other plans in mind. I offered to go back this month to help him—so far as I could—for a few months on the understanding that I should be free to take up a new career in the early winter. His reply was that as things were turning out with the projected partition, he did not feel justified in asking me to delay my embarking on a new course, and he has written me three very friendly letters in this vein recently. I feel that he would regard my acceptance of a post in Pakistan as a crude piece of chicanery and, unimportant as that may be in the larger issues which H.E. the Viceroy visualises, it would quite certainly offset any advantage that there might be in my accepting Jinnah's offer.

I am much disturbed at the suggestion that my refusal of Jinnah's offer, which of course coincides with my personal interests, may not be in the general interest. But I have given this question a good deal of thought for some months

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past—since for various reasons I had half-anticipated the offer—and I genuinely believe I should do more harm than good by accepting.

* * *

Yours sincerely,
HUGH WEIGHTMAN

[1] In his letter of 21 July Lord Listowel asked whether, in the light of Lord Mountbatten's representations (cf. No. 158), Mr Weightman would be prepared to reconsider his earlier decision to decline Mr Jinnah's offer of the post of Governor of Baluchistan. Listowel explained that he understood from Mountbatten that Jinnah might be dissuaded from his original decision to appoint a member of the Muslim League if Weightman were to accept. He added that Mountbatten was impressed by the importance of taking advantage of every vacancy for Governorships offered to the British and that he (Mountbatten) considered that the prospects of the two new Dominions remaining in the Commonwealth may partly depend on this. L/P &J/7/12505: f 11.

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Press Communiqué of an Address by Rear-Admiral Viscount Mountbatten of Burma to a Conference of the Rulers and representatives of Indian States[1]

R/3/1/139: ff 4–7

25 July 1947

A Conference of the Rulers and representatives of Indian States was held at 3.30 p.m. in the Chamber of Princes on Friday, the 25th July, 1947, His Excellency the Viceroy presiding.

Addressing the Conference, H.E. the Viceroy said:—

Your Highnesses and Gentlemen,

It is a great pleasure and a great privilege for me to address so many Rulers, Dewans and representatives of the States of India in this historic Chamber of Princes. It is my first and my last occasion that I have the privilege of addressing you as Crown representative.

I would like to begin with by giving you a very brief history of the negotiations I have conducted since I have been out here and the line that I have taken up about the States.

There were two distinct problems that faced me. The first was how to transfer power to British India and the second, how to fit the Indian States into the picture in a manner which would be fair and just to all concerned.

I dealt first with the problem of British India, because you will realise that until that problem was solved it was quite useless to try to start on a solution of the problem of the States. So I addressed my mind to that.

Here I digress. There was a universal acceptance among the States of the

[1] On 23 July Mr V. P. Menon forwarded to Sir G. Abell a draft of a speech, which had been seen by Mr Griffin of the Political Department, for Lord Mountbatten's use at the conference. Mountbatten Papers, Papers of Special Interest.

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Cabinet Mission's Memorandum of May 12[2] and when the parties accepted my Statement of June 3rd[3] they fully realised that withdrawal of Paramountcy would enable the States to regain complete sovereignty. That gave me a starting point from which to try and deal fairly with the States.

But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of the mechanics of partition—a plan against my personal desires. As you all know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the Province of Sind from Bombay. It took two years to separate the Province of Orissa from Bihar. Gentlemen, we decided that in less than 2½ months we shall have to go through the partitioning of one of the biggest countries in the world with 400 million inhabitants. There was a reason for the speed. I was quite cerrtain that while the British overlordship remained no satisfactory conclusions could be reached psychologically between the parties. So once we got the two Governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now, the Indian Independence Act releases the States from all their obligations to the Crown.[4] The States have complete freedon—technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of co-ordinated administration on all matters of common concern which meant that the sub-continent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it will take to feel it—but even the biggest of the States will feel herself hurt just the same as any small State. The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominion of India and Pakistan—into direct touch with the States. So we conceived the scheme of setting up two States Departments[5] within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representative, the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. In India the States Department is under the admirable guidance of Sardar

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Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nishtar with Mr. Ikramullah as the Secretary. It was necessary to set up two States Departments, one in each Government because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important are not so numerous, and Mr. Jinnah the future Governor-General of Pakistan is prepared to negotiate the case of each State separately and individually.[6] But in the case of India where the overwhelming majority of the States are involved, clearly separate negotiations with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause[7] should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity and to see if in the short time available it was not possible to get the agreement through with every State representative. It does not replace the need for Standstill agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the Constitution when it was framed, they would be outside the organisation and left in a position which, I submit, if you think it over carefully, no State could view with equanimity—to be left out having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhbhai Patel on taking over the States Department made, if I may say so, a most statesmanlike statement[8] of what he considered were the essentials towards agreement between the States and the Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16th May 1946. In this Plan the proposal was that the States should surrender to the Central Government three subjects—Defence, External Affairs and Communications.[9]

[2] Vol. VII, No. 262. [3] Vol. XI, No. 45. [4] No. 164, Section 7(1) (b).
[5] See Vol. XI, Nos. 175 (pp 324–5), 338 (Case No. 152/32/47), 528 and Enclosure to No. 173 of this volume.
[6] cf. No. 159.
[7] No. 164, Section 7(1). The clause in question begins 'Provided that' and ends 'subsequent agreements'.
[8] Vol. XI, No. 528. [9] See Vol. VII, No. 303, paras. 14 and 15.

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That was a Plan which, to the best of my belief, every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that Defence was a matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit, therefore, that if you do not link up with one or the other of the Dominions, you will be cut off from any source of supplies of up-to-date arms or weapons.

External affairs is inextricably linked up with Defence. External affairs is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having ambassadors or ministers or consuls in all these foreign countries; surely you want to be able to use those of India and Pakistan. Once more I suggest that External affairs is something that you have not dealt with since the formation of the East India Company. It would be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the Defence of the country. I submit that if you take it up it will be a liability and not an asset.

The third subject is communications. Communications is really a means of maintaining the life-blood of the whole sub-continent. I imagine everybody agrees that the country has got to go on. The continuity of communications is already provided for to a certain extent in the Indian Independence Act; and most of the representatives here have come to discuss it as item 2 on the agenda.[10]

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption, at any rate so far as some Princes are concerned, I think I must dispel their apprehensions and misgivings. The draft Instrument of Accession[11] which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States accede to the appropriate Dominion on three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would, in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you would co-operate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before the 15th August. I have no doubt that this is in the best interests of the States, and every wise

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Lord Mountbatten as Crown Representative addressing a Conference of Rulers and Representatives of Indian States, 25 July 1947. Document 234.

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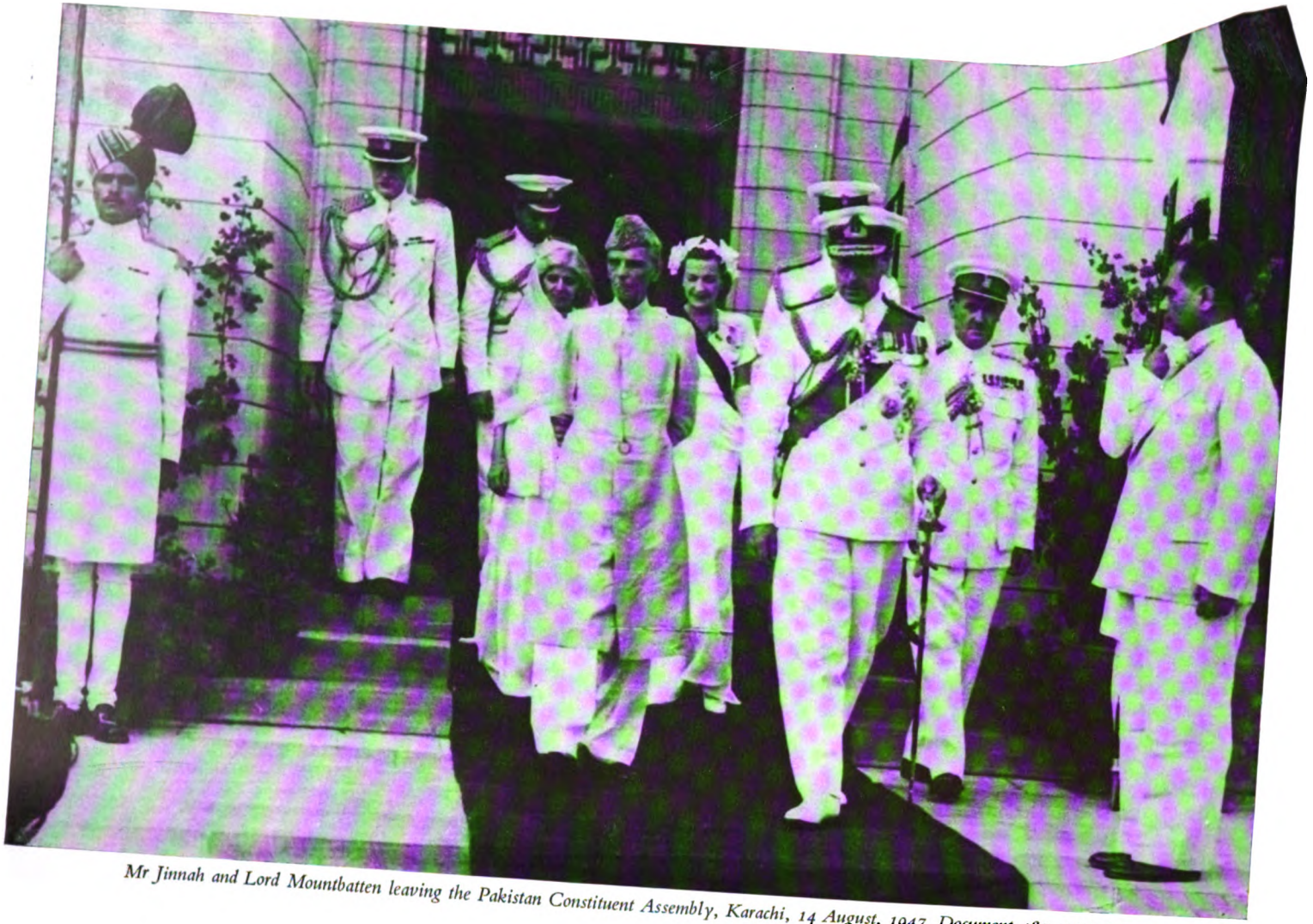

Mr Jinnah and Lord Mountbatten leaving the Pakistan Constituent Assembly, Karachi, 14 August, 1947. ***Document 489, para. 57.***

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uler and wise Government would desire to link up with the great Dominion f India on a basis which leaves you great internal autonomy and which at the ime time gets rid of your worries and cares over External Affairs, Defence nd Communications.

The whole country is passing through a critical period. I am not asking any tates to make any intolerable sacrifice of either its internal autonomy or ndependence. My scheme leaves you with all the practical independence that ou can possibly use and makes you free of all those subjects which you cannot ossibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from ne subjects for whose welfare you are responsible. Whatever may be your ecision, I hope you feel that I have at least done my duty by the States.

His Excellency then proposed the following Committee for a detailed con-ideration of the items on the agenda:—

His Highness the Chancellor the Maharaja of Patiala
His Highness the Maharaja of Baroda
His Highness the Maharaja of Gwalior
His Highness the Nawab of Bhopal
His Highness the Maharaja of Bikaner
His Highness the Maharaja of Nawanagar
His Highness the Maharawal of Dungarpur
His Highness the Maharaja of Panna
His Highness the Maharaja of Sirmoor
The Raja of Korea
The Nawab of Chhatari of Hyderabad
Sir C. P. Ramaswami Aiyer of Travancore
Sir A. Ramaswami Mudaliar of Mysore
Sir V. T. Krishnamachari of Jaipur
Sir B. L. Mitter of Baroda
Mr. M. A. Srinivasan of Gwalior
Sardar K. M. Panikkar of Bikaner
Mr. C. S. Venkatachar of Jodhpur
Sardar D. K. Sen
Dewan Bahadur C. P. Karunakara Menon of Cochin
Rai Bahadur D. A. Surve of Kolhapur
Mr. B. H. Zaidi of Rampur.

His Excellency stated that the idea was to have a compact body to save time.

[10] For the agenda which was used at the conference, see No. 75. A programme for the conference which had been prepared by Mr V. P. Menon envisaged that Lord Mountbatten would deliver his opening address and then say: 'Now if any of you have any questions to ask about the first item on the Agenda, I shall be glad to answer. The other items are somewhat technical, but I have made the question of accession my own peculiar concern.' Mountbatten Papers, Papers of Special Interest.

[11] Not printed. For the final version of the Instrument of Accession, see Enclosure 1 to No. 313.

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They could split into two sub-committees, one to discuss the draft instrument of Accession and the other to discuss the Standstill agreements and other matters. He sincerely trusted that the other State representatives would not leave Delhi and that they would maintain daily contact with the members of the Committee to make sure that the Committee are conversant with the majority feelings in the States.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/82: f 9

IMMEDIATE INDIA OFFICE, *25 July 1947, 12.30 pm*
CONFIDENTIAL *Received: 26 July, 9.00 am*

No. 9616. Following personal from Prime Minister. Your telegrams Nos. 2915-S and 2916-S.[1] Congratulations. This is very good.

[1] Nos. 223 and 224.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/117: f 140

IMMEDIATE INDIA OFFICE, *25 July 1947, 1.00 pm*
SECRET *Received: 25 July, 8.35 pm*

No. 9607. Since my telegram No. 9551 of 24 July[1] issued, Henderson has seen the M.P. concerned, whose questions are the result of an approach by Muslims living in his constituency. The Member is agreeable to making his questions non-oral on condition that some reference is made in reply to shrines of other communities which puts them on the same footing as Sikh shrines. Please telegraph your views on following proposed reply. *Begins.* The terms of reference of the Punjab Boundary Commission instruct it to demarcate the boundaries in question on the basis of ascertaining contiguous majority areas of Moslems and non-Moslems; but state that in doing so, the Commission will also take into account other factors.

I welcome this opportunity of expressing the full confidence entertained by H.M.G. in the Chairman and Members of the Commission in the interpreting of their terms of reference. As I emphasised in my speech in Committee on Cl. 3 of the Indian Independence Bill it is entirely for the Commission itself to

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lecide what are the other factors to be taken into account and how much mportance should be attached to all or any of them. It would be improper to fetter the discretion of the Commission which is now in session by expressing views here as regards the interpretation of the terms, but it is obvious that the ocation of the shrines of any religious community will be among the factors before them. *Ends.*[2]

No. 226.
Lord Mountbatten replied in tel. 2955-S of 26 July as follows: 'Questions about Boundary Commission. I consider oral question and answers given in your telegram No. 9551 would be best'. R/3/1/157: f 234. In the event, however, these questions received a written reply along the lines suggested in No. 226 (ie 'The terms of reference . . . to all or any of them') with a concluding sentence which read: 'The location of the shrines of any community is therefore one of the factors which may receive consideration if the Boundary Commission so decides.' *Parl. Debs.* 5th ser., H. of C. vol. 441, 30 July 1947, col. 60.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee

Mountbatten Papers. Demi-Official Correspondence
Files: Attlee, C. R.

25 July 1947

My dear Prime Minister,

Thank you so much for your very charming and encouraging letter[1] which Pug brought out.

I cannot get over the masterly way in which you managed to get the Bill through in such record time and two days better than your promise. It saved a complete breakdown over the reconstruction of my Government.

The fact that you and the Cabinet and the King were so unanimous in your advice[2] to me to stay on made this difficult decision easy.

I am now in the midst of trying to get 560 odd States to accede to the Dominion before the 15th August. My meeting[3] in the Chamber of Princes went well and my spies tell me we had unexpectedly good results.

Thank you for your kind remarks about Philip's engagement. I am sure she couldn't have picked a better man.

Yours ever,
DICKIE

[1] No. 153. [2] See Nos. 27 and 31. [3] See No. 234.

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Record of an Interview between Sir E. Jenkins (Punjab) and Sardar Swaran Singh

R/3/1/176: f 255

25 July 1947

I sent for Sardar Swaran Singh this evening and asked what was happening about the Nankana Sahib Diwan on 27th July.[1] He was distinctly evasive, and said that it was not an officially sanctioned meeting. He did not believe that there would be a very large attendance, and he personally saw no harm in a meeting of this kind in a Gurdwara.

I replied that a large gathering of Sikhs from villages would in the present state of communal feeling be dangerous. There might easily be clashes between the Sikhs going to or returning from the meeting and the Muslims through whose villages they passed. The danger would be greater if the Sikhs marched about in Jathas, as I understood they intended to do. I said that we had taken elaborate precautions and that S. Swaran Singh had better tell the leaders of his party to discourage the meeting. I pointed out that the Sikhs could not go back on Sardar Baldev Singh's statement as a member of the Partition Council that the Boundary Commission's award would be accepted, whatever it might be, and would be enforced.

We had further desultory discussion on the boundary issue. Sardar Swaran Singh is still most anxious to get the whole or a part of the Montgomery district and Nankana Sahib, and says that the main hope of the Sikhs is an exchange of land and population. I said that I had never thought that there could be much deviation from the "notional" boundary. If the Sikhs had made no extravagant claims and had simply stated their case for the transfer to the East of some colony land, they might possibly have secured some sympathy from the Boundary Commission; as it was, I thought they must dismiss from their minds any idea of large territorial gains. I made it clear that the Boundary Commission had nothing whatever to do with me, and that it was not my business to advise the members or to make any recommendations whatever.

2. We discussed two other matters on which I have made separate notes.[2]

E.M.J.

[1] See No. 214. [2] No record of these notes has been traced.

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 8–9

SECRET QASR-I-SULTANI, BHOPAL, *26 July 1947*

My dear Lord Mountbatten,

I have just read in the newspapers that a Committee has been formed to discuss terms of Accession and Standstill arrangements, and my name has been included as one of the Committee.[1]

I have already explained to Your Excellency my point of view in regard to these matters.[2] My State is one of those, like Hyderabad, who is not prepared to accept federation of any sort at this juncture. We are prepared to come to an agreement which Sir C. P. Ramaswami Aiyar discussed with you at his last meeting with Your Excellency.[3] I am also one of those who will be prepared to come to some workable and equitable standstill arrangement on the basis of equality of status and reciprocity in regard to certain matters of common concern such as Communications, supply of arms and equipment etc. on the basis of existing arrangement, and in accordance with the provision of the Independence Act[4] and the Declaration of June the 3rd, 1947,[5] and May the 12th 1946.[6]

It is impossible for me to serve on a Committee with those States who have already joined the Constituent Assembly. I have already given you my reasons for this.[7]

I am, therefore, writing at once to request Your Excellency to arrange separate negotiations for my State or, if this is found too inconvenient, to form a separate Committee consisting of those States alone (such as Hyderabad, Indore & Travancore) who have not yet joined the Constituent Assembly.

I hope Your Excellency will not find this request unreasonable and will help us in this matter.

The recent cowardly attempt on Sir C. P.'s life[8] makes the situation extremely delicate and most difficult. Apart from the fact that we have been deprived of the services of our chief adviser, for a temporary period at any rate, I don't think such acts of violence help in bringing about an understanding between the Congress and the States.

I have written in great haste and without reference to any records. You will,

[1] See No. 234. [2] See No. 201. [3] See No. 228, paras. 16–19.
[4] See No. 164, Section 7(1). [5] Vol. XI, No. 45, para. 18. [6] Vol. VII, No. 262.
[7] See No. 201.
[8] Sir C. P. Ramaswami Aiyar sustained facial injuries when an attempt was made on his life at Trivandrum, the capital of Travancore, on 25 July, *The Statesman*, 26 and 28 July 1947.

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therefore, I hope, overlook mistakes as far as references to any documents are concerned.

Yours very sincerely,
HAMIDULLAH

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Note by Ali Yawar Jung

Monckton Trustees No. 29: ff 384–88

CAMP, NEW DELHI, *26 July 1947*

H.E. the Viceroy had, as has already been recorded in the proceedings of the meeting at Viceroy's House on 11th July, promised a separate day for negotiations with Hyderabad.[1] We naturally took it to mean that while we would on that day give a reply to H.E. the Viceroy on the subject of accession, we would also negotiate Stand-Still Agreements the same day. We got the impression, however, on the 23rd that nothing had been fixed for the 24th because we had made it clear in the meantime both to H.E. the Viceroy and to Mr. V. P. Menon that accession was out of the question. They appear, therefore, to have decided for reasons ostensibly of convenience, since the discussions could only be on Stand-Still Agreements, to have them with Hyderabad along with the other States. Since no intimation was received on the 24th morning, the Prime Minister sent a letter to His Excellency the Viceroy, copy of which is attached.[2] The immediate reaction was a telephone message from Sir George Abell to say that the Prime Minister was being invited to the Conference of the 25th and that he would shortly get the relevant papers. The Prime Minister said over the telephone that a separate discussion would be necessary and had been promised. Sir George Abell said that he would convey this to H.E. the Viceroy. That same afternoon while we were discussing what line to take, and had in fact decided to press for separate discussion, Nawab Mushtaq Ahmad Gurmani, Prime minister of Bahawalpur, visited Asoka House. He said that Congress propaganda both in the press and by word of mouth was aimed at the States which had decided to stand out and that all kinds of things were being said about Hyderabad in order to create the impression that Hyderabad would ultimately accede and thus demoralize the other States (I had myself the previous night and the same morning reported this to H.E.P.M. after certain contacts I made in Delhi soon after I came). He said that if we did not go to the Conference and did not raise awkward questions there, there would be a landslide in favour of the States Department's view. He also said that isolation in the matter of negotiations would endanger the position of Hyderabad and also result in letting down the other States which were looking to Hyderabad for leadership.

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The Delegation then decided, after full consideration, to send Mr Reddi, Mr Rahim and myself as Representatives of Hyderabad to the Conference. It was also decided to make Hyderabad's attitude clear by a statement in the Conference and to ask for negotiations separately from the States which had decided to enter the Constituent Assembly.

Mr Reddi, Mr Rahim and I, therefore, went to the Conference and so did the Prime Minister of Bahawalpur, as well as the Constitutional Adviser from Junagadh who was going to follow the same line. I learnt soon after arrival that no speeches would be allowed after the Viceroy's speech but only questions which the Viceroy himself would answer. I, therefore, suggested to Nawab Mushtaq Ahmad that we might frame questions in such a way as to make our attitude clear and also create doubt in the minds of States which had so far been found to be in the pocket of the States Department. Here are the four questions I put at different times after the Viceroy had finished his speech[3]:— (1) a Draft Stand-Still Formula had been sent to us and we had said that we accepted it as a basis of discussion. Now, a second Draft, called a Revised Draft (actually sponsored by Congress) had been circulated at the last moment. Which one of them was now sponsored by the States Department for negotiations? The Viceroy's reply was that the formula which we liked and had accepted was the one sponsored by himself as the Crown Representative (implying thereby that the States Department was sponsoring the revised formula). The object of the question was to state that we preferred the first formula and to elicit a reply which would show that the less favourable formula emanated from the States Department. (2) The Negotiating Committee appointed by the Viceroy consisted both of States which had joined the Constituent Assembly and of States which had not joined it. We considered that the approach of States which had joined would naturally be different from the approach of States which had not joined it. Therefore, the two should be allowed to negotiate separately, and not in one bunch. Would this be possible as it appeared to be necessary? I said that Hyderabad had made its line clear that it would not join the Constituent Assembly and it would, therefore, negotiate only with those States which had similarly not joined the Assembly. The reply given by the Viceroy was that there would be no difficulty about it and that it was a matter which could easily be adjusted by His Highness the Chancellor. (The object of the question was to state our viewpoint as well as to stress the fact that we had made our attitude clear on the subject of the Constituent Assembly; the question was also designed to state our view that we would not negotiate along with those States which are represented in the Constituent Assembly.) (3) I said that even whilst negotiating

[1] See No. 61, para. entitled 'Standstill Agreements'.
[2] Not printed. The Nawab of Chhatari's letter is on R/3/1/138: f 214.
[3] No. 234.

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only along with those States which had not joined the Constituent Assembly, I could not conceive of negotiations with Hyderabad or any particular State not ending up with separate, individual negotiations discussions [sic] of problems peculiar to that State either on account of its size, population and resources or any other reason. Was it contemplated that such separate, individual negotiations on individual problems would take place? The Viceroy replied that there was nothing against it and if the need arose there would certainly be such individual discussions. (The object of this question was to state that we expected a separate discussion with Hyderabad individually on problems relating to Hyderabad alone, like Postage, Currency and the like). (4) I said that the Negotiating Committee proposed by the Viceroy consisted of States like Bhopal and Travancore which had decided not to accede. I said that His Excellency knew Hyderabad's attitude on the subject of accession and it was clear that we were not interested in discussing accession and were interested only or mainly in discussing the Stand-Still Agreements. That being so why have States like Hyderabad been represented on a Negotiating Committee which had accession as the first subject on its agenda to discuss? The Viceroy said that no one could compel any Member of the Negotiating Committee to discuss a matter which he did not wish to discuss and the choice would be that of the Member concerned. (This question was raised in order to remove all doubts as to how we stood on the question of accession. It came as a surprise to many as propaganda had gone round no doubt inspired to the effect that Hyderabad had decided to join. The Maharaja of Dungarpur came afterwards and asked me whether I was speaking authoritatively or not and I said I was. He said he felt encouraged and wished Hyderabad good luck). Subsequently I went with Mr Reddi and Mr Rahim to Bikanir House where a meeting was taking place of Princes and Representatives of States. This was by permission of the Prime Minister and was necessary as I had to convey to the Chancellor our decision that we would not discuss accession and also that we could not negotiate along with those States which had decided to join the Constituent Assembly. I duly conveyed this information to the Chancellor at the meeting after which the three of us returned.

I may add that the Prime Minister did not attend either the Conference or the meeting at Bikanir House as it was thought best that he should not identify himself fully with either and that representatives of the State at both meetings should be on the level of Ministers rather than of the Prime Minister himself.

ALI YAWAR JUNG
Constitutional Affairs Member

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The Nawab of Chhatari to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 11–12

CONFIDENTIAL PRIME MINISTER, HYDERABAD, CAMP:
NEW DELHI, *26 July 1947*

Your Excellency,

I am writing to thank Your Excellency for my nomination, as Representative of Hyderabad, on the Negotiating Committee[1] proposed by Your Excellency and announced at the Conference yesterday. On 11th July Your Excellency had kindly agreed to a separate discussion for Hyderabad[2] but, if that causes any inconvenience, Hyderabad would, as an alternative, like to negotiate its Stand-Still Agreements along with those States which have not joined the Constituent Assembly and separately from those which have joined it. This is because of our view that the approach of the latter States will be different from the approach of States, like Hyderabad, which have not joined the Constituent Assembly.[3]

In view of the above and also as the above Negotiating Committee has to discuss the problem of accession—a matter in which Hyderabad is not interested—I hope Your Excellency will not mind my not participating in the Committee.

I need hardly assure Your Excellency that Hyderabad desires fully to assist in the working out of satisfactory Stand Still Agreements and, in general, to cooperate with the rest of India in avoiding a breakdown of the administrative machinery after August 15.[4]

Yours sincerely,
AHMAD SAID

[1] See No. 234.
[2] See No. 61, para. entitled 'Standstill Agreements'.
[3] cf. No. 240.
[4] On 28 July Sir G. Abell minuted on this letter: 'I am afraid this means that there is now little chance of getting in Hyderabad', to which Lord Mountbatten rejoined: 'Still a chance'. Mountbatten replied to the Nawab of Chhatari on 29 July as follows: 'I am very sorry to hear that at present you feel unable to serve on the Negotiating Committee proposed by me at the Conference with the Rulers and Representatives of the States on 25 July. I still hope you may be persuaded to change your mind.' R/3/1/139: ff 21, 23.

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Mr V. P. Menon to Sir G. Abell

R/3/1/139: f 13

NO. D2586 STATES DEPARTMENT, NEW DELHI, *26 July 1947*

My dear George,

Please refer to your demi-official letter No. 592/89 dated the 22nd July 1947[1] forwarding copy of a letter dated July 20, 1947, from His Highness the Maharaja Rana of Dholpur.

2. The essence of the representation from His Highness is that with the lapse of paramountcy he may enter into a treaty in respect of common matters with the two Dominions but that he is not in favour of executing an Instrument of Accession by which he would become an integral part of the Indian Union; and secondly, that a separate Negotiating Committee should be appointed of Rulers holding this view.

3. There appears to be some confusion in the mind of His Highness. The Conference that was convened on the 25th July[2] was with a view to impressing upon the Rulers the desirability and indeed the necessity of joining the Dominion in the common interest of both, by means of an Instrument of Accession, and secondly, to continue the existing administrative arrangements by means of Standstill Agreements until they could be replaced by freshly negotiated agreements. Immediate accession to the Dominion on the three subjects of Defence, External Affairs and Communications will not prejudice the position of the States either in regard to their participation in the Constituent Assembly or their freedom to join or not to join the Union Constitution that may eventually be adopted by that Assembly. Our plan merely provides a basis on which common policies can be evolved in regard to these three subjects for the interim period while the new Constitution is being framed by the Constituent Assembly. That being so, there could be no question of setting up two Committees based on the participation or non-participation of States in the Constituent Assembly. In fact, the meeting of Rulers held on the 25th, which was attended by H.H. of Dholpur, agreed to the setting up of a single Negotiating Committee which will take into account the different circumstances of the various States. It has been made clear that negotiation with the Indian Dominion will be on the basis of accession in respect of the three subjects inasmuch as the Dominion of India does not contemplate entering into separate treaty relations with individual States.

4. We all regret that it has not been possible to give Rulers sufficient time to consider these important issues. But it must be realised that the whole timetable

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is governed by the date fixed for the transfer of power. Still, most of the other States have found sufficient time to consider the draft Instrument of Accession and come to a decision on this important issue and it should not be difficult for Dholpur to do so.

5. Griffin concurs in our above remarks.

Yours sincerely,
V. P. MENON

[1] Asking Mr Menon to advise (in consultation with Mr Griffin) on the letter from the Maharaja of Dholpur. R/3/1/138: ff 174–84, 185. Sir G. Abell had originally minuted to Lord Mountbatten: 'Pol. Dept. will advise as to a reply'. Mountbatten had responded: 'V.P.' also to advise and perhaps see him [the Maharaja]. URGENT. M.' *Ibid.*, f 174.
[2] No. 234.

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Cabinet
India and Burma Committee. Paper I.B.(47)147

L/P&J/10/136: ff 228–32

Ceremonies in India on 15th August and Flags

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

SECRET INDIA OFFICE, *26 July 1947*

I attach an outline, in Appendix 'A', of the official ceremonies which it is proposed to hold in Delhi on 15th August. It is expected that Mr. Jinnah will hold similar ceremonies in Karachi, the capital of Pakistan.

2. The Viceroy has suggested[1] that in these ceremonies there should be included a Message from the King, and a draft of such a Message is attached as Appendix 'B'.[2]

3. Foreign representatives in India are being invited to attend the Delhi ceremonies and I have asked the Secretary of State for Commonwealth Relations to suggest to the other Dominions that they may care to consider sending representatives to the ceremonies and appropriate messages to the Viceroy. Those Dominions already represented by a High Commissioner. i.e. Canada and Australia, will probably regard his attendance as sufficient and it is unlikely that South Africa will want to make any special gesture.

4. In Appendix 'C' are details of what is proposed regarding flags for the new Dominions. Neither Mr. Nehru nor Mr. Jinnah will agree to a proposal

[1] See tel. 1546–S of 24 June. L/P &J/10/138: f 222.
[2] Not printed; see No. 261, note 4.

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put to them by the Viceroy for the inclusion of a small Union Jack in the new Dominions' flags. Both, however, have agreed that the Union Jack should be hoisted either on the same flagstaff as the Dominion flag or on a neighbouring one on certain days in the year.[3]

5. It is intended that ceremonies in the Provinces will be on much the same lines as those at Delhi and Karachi, Provincial Governors reading the King's Message. Similar ceremonies will, however, not take place at Residencies in the Indian States where they exist.

6. The Union Jack over the old Lucknow Residency, which has never been lowered by day or night, will be hauled down quite unostentatiously at sundown on 14th August and sent home.

7. I recommend the above arrangements for the approval of the Committee, particularly:—

(*a*) the draft Royal Message

(*b*) the proposals about Flags.

L.

Appendix 'A' to No. 243

OUTLINE OF OFFICIAL CEREMONIES TO BE HELD IN DELHI ON 15TH AUGUST

A Proclamation will be made by the Governor-General, who will be accompanied by Lady Mountbatten, to the assembled Constituent Assembly of the Union of India. This will include a Message from His Majesty The King and the proceedings will be broadcast.

There will be some form of ceremonial parade at which representatives of the three Services will take part.

The Ceremony of substituting the new Dominion flag for the Union Jack will be performed.

**N.B.* The Office of Viceroy and Governor-General (old style) will terminate at midnight on 14th August. It will be as Governor-General (new style) that Lord Mountbatten will make the Proclamation.

Appendix 'C' to No. 243

FLAGS

Governors-General

The two Governors-General will, it is proposed, take into use the special Governor-General's flag which was approved by His Majesty for this purpose some years ago and which is in general use by Governors-General throughout the Commonwealth.

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2. This is a blue flag, with a crown and lion and the name of the Dominion in gold. Instead, however, of the name of the Dominion being in blue on a gold scroll, the names "India" and "Pakistan" will be in gold.

Dominions

(*a*) *India*

3. The Dominion of India flag will be the existing Congress flag but with the wheel from the Sarnath pillar, in blue, symbolising unity, replacing the spinning wheel in the centre of the flag. It is a tricolour, in horizontal lines, of saffron, white and green.

(*b*) *Pakistan*

4. The Dominion of Pakistan flag will be the present Moslem League flag which is dark green with, in white, a crescent and a five-pointed star.

Provincial Governors

5. The Viceroy has agreed with Mr. Nehru and Mr. Jinnah that they should fly flags similar to those of the Governors-General but with the name of the Province inserted instead of the Dominion.[4] It has, however, had to be put to the Viceroy that the Governor-General's flag signifies the Governor-General's position as His Majesty's personal representative in a sense that the Governor is not and that its use by Governors would be an innovation.[5]

Dominion Navies

6. The custom of other Dominion navies will be followed of flying the White Ensign of the Commonwealth at the ensign staff and the Dominion flag at the jack staff.

[3] See No. 162, paras. 25–9.
[4] See tel. 2035–S of 19 July. L/P &J/10/138: f 204.
[5] See tel. 9697 of 26 July. *Ibid.*, f 188.

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Mr V. P. Menon to Mr Symon

L/P&S/13/1837: f 27

STATES DEPARTMENT, NEW DELHI, *26 July 1947*

Dear Symon,

I understand that you are taking some Political Officers in your organisation. I do very much hope that in this matter the sentiments of the Government of of India will be respected. We will feel considerably embarassed if they are either to use their influence or establish direct relations with any Indian State.

Yours sincerely,

V. P. MENON

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Official Correspondence Files: Compensation for Members of the Services, Part II(b)

CONFIDENTIAL NEW DELHI, *26 July 1947*, —[1]
Received: 26 July, 5.20 pm

No. 2957–S. Your telegram No. 9451 of 22nd July.[2] Future of Judges.[3] Partition Council agreed this morning[4] that maintenance of principle of independence of Judiciary was of paramount importance, and that right of proportionate pension should be granted in certain circumstances. I have therefore sent the following telegram to all Governors:

Begins. Future of Judges. Hitherto the constitutional position has been that judiciary is independent of the executive and this independence has rested mainly on the fact that High Court Judges cannot be removed from office save by His Majesty on report from the Privy Council in accordance with the provisions of Section 220 (2) of Government of India Act 1935.

2. Terms and conditions of service have been guaranteed by both new Governments.

3. Government of India and H.M.G. agree that so long as the constitutional position remains as at present there is no case for the grant of proportionate pension or compensation.

4. But since it is open to either Dominion Government to repeal Part 9 of the Act or any portion of it and indeed to make the judiciary subject to the executive if they think fit, the representatives of both future Dominion Governments have agreed that existing permanent Judges in either Dominion, whether of the Federal Court or of the Provincial Courts would be entitled to rank for grant of proportionate pension if their constitutional position were so altered as radically to affect the independence of the Judges.

5. Please ask your Chief Justice to inform all Judges urgently. *Ends.*

[1] Time of despatch is not indicated on sender's copy. Date and time of receipt have been taken from the India Office register of inwards telegrams.

[2] In tel. 9451 of 22 July Lord Listowel explained that 'so long as the judiciary remained independent of the executive in accordance with the provisions of Section 220(2) of the Government of India Act, 1935, there was no case for the grant of proportionate pensions or compensation to High Court Judges. He did, however, admit that under the new constitution it was open to either Dominion Government to make the judiciary subject to the executive by repealing Part IX of the Act or any portion of it. In these circumstances Listowel maintained that Judges would be eligible for the grant of proportionate pensions. He therefore asked Lord Mountbatten to invite the Indian leaders to agree that, if such a change were introduced, they would grant proportionate pensions at the expense of their revenues to any Judge who wished to retire. L/S &G/7/920: f 2.

[3] See No. 157, Minute 2.

[4] Partition Council Minutes, 26 July 1947, Case No. P.C. 93/10/47. Mountbatten Papers.

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Mr Rumbold to Mr Williams

Telegram, L/P&J/10/92: f 8

IMPORTANT CONFIDENTIAL

INDIA OFFICE, *26 July 1947, 11.50 pm*

No. 9701. Your telegram to Clauson No. 1841–G of July 9th.[1] All matters specified in memorandum enclosed with Secretary of State's letter of May 19th[2] have been or are being covered so far as question of making arrangements before repeat before transfer of power is concerned, either by provisions of Indian Independence Act or in separate correspondence, with either Viceroy or U.K. High Commissioner.

[1] No. 20. [2] See *Ibid.*, note 2.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/169: ff 14–17

SECRET AND IMMEDIATE

EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, *26 July 1947*

Dear Lord Mountbatten,

I have been following from a distance some of the proceedings of the Partition Council. I have, in particular, seen some of the papers relating to the partition of the Army and the future reorganisation of the Defence Forces. The approach made by the Commander-in-Chief in regard to certain matters seems to me very different from our approach.

On reading yesterday some correspondence[1] which has passed between Mr Rajagopalachari and the Commander-in-Chief regarding the Financial Adviser, War and Supply, I was surprised to find that the Commander-in-Chief should not have realised that there had been a reconstitution of the Government and a splitting up of the Secretariat Departments. The Financial Adviser, War and Supply, is *ex officio* an Additional Secretary of the Finance Department and the post had therefore necessarily under this order to be divided into two. That was the reason why we immediately recommended on the 19th the appointment of a Financial Adviser (India). There was just the possibility, however, that the Commander-in-Chief was unaware of the promulgation of the Executive (Transitional Provisions) Order, but when I was shown the relevant minutes of

[1] R/3/1/169: ff 7–12.

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the Armed Forces Reconstitution Committee meeting held on Thursday the 24th July,[2] I found that the Commander-in-Chief had ignored this order apparently because (*a*) he and his Financial Adviser, Mr Mohamad Ali, had not been consulted, and (*b*) he considers the whole arrangement to be unworkable! I must express my surprise at what appears to me to be the rather extraordinary conduct of Mr Mohamad Ali at this meeting. He could not have been unaware of the correct position and yet by his silence he appears to have conveyed that the Commander-in-Chief's understanding of the position was correct. Judging from these minutes, the Commander-in-Chief seems to be gravely perturbed at the suggestion that anyone but Mr Mohamad Ali should be his Financial Adviser.

May I say that we are gravely perturbed that the opinion and attitude of the Commander-in-Chief in these matters are completely contrary to what we have been given to understand. I think it should be made perfectly clear what the present position is and what the future position may be. So far as the question of a Financial Adviser for Military Finance is concerned, this inevitably must follow the rule laid down about the division between India and Pakistan. It would be absurd, in the circumstances, for any person who has opted for Pakistan, and much more so for one who is the special advocate for Pakistan in the partition proceedings, to be the Chief Adviser of the Commander-in-Chief in regard to our forces. We cannot possibly admit this. A corollary of the position which the Commander-in-Chief would like to have is that we should agree to a joint Military Finance and Accounting Organisation under Mr Mohamad Ali, if we accept him, or under a British officer. I need not go further into the merits of this particular matter, since the Steering Committee, I understand, is preparing a paper for consideration by the Partition Council on this subject and the two points of view will be clearly brought out in that paper. The only reason for my mentioning it here is to draw your attention to the attitude the Commander-in-Chief is said to have displayed towards the India point of view.

Apart from this particular matter, the general attitude of the Commander-in-Chief and presumably his senior advisers does not seem to me to be in keeping with the position as it has developed and as it is going to develop. If that is so, we have to consider afresh how this should be clarified so as to avoid future conflict of opinion on vital matters. The Dominion Government of India will necessarily have definite opinions and a clear policy in regard to its armed forces, and the officers serving in the army, the navy and the air force will have to carry out that policy. The mere fact that the Supreme Commander will be in administrative control for a limited period does not mean that he will during that period be free to carry out administration in accordance with his own ideas. What we have in mind is that he would endeavour so to run the administration during the joint period that the transition from the joint administration

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to our own administration would be smooth and as nearly in accord as possible with our own ideas regarding the future administration of the Forces. If this is not clearly understood there is bound to be a conflict which should be avoided in the interest of all concerned.

The whole set-up of the future Joint Defence Council will have to be reconsidered, if necessary, if there is any doubt in regard to the position of the India Government and its defence forces. In a way, the Supreme Commander will have the casting vote and if his general outlook is completely different from our own then clearly the Council will not function at all. This is a matter of great importance.[3]

Yours sincerely,
JAWAHARLAL NEHRU

[2] Not traced.

[3] In a further letter of 27 July Pandit Nehru drew Lord Mountbatten's attention to the minutes of the Commander-in-Chief's Committee of 25 July (not traced) in which Mr Dundas was said to be functioning as Secretary of the Defence Department (including Pakistan) and Mr Bhalja was described as an Additional Secretary. Nehru insisted that with the splitting up of the Secretariat Departments (see No. 170), Mr Bhalja was the Secretary of the Defence Department (India) and Mr Dundas had no business to function as such. He concluded: 'This is not merely a matter of designation but of outlook, and I fear that if the outlook is as represented in these minutes, then the interests of India will suffer.' R/3/1/169: ff 17–18.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of— Part (1)

IMPORTANT
CONFIDENTIAL

NEW DELHI, *26 July 1947, 10.50 pm*
Received: 27 July, 7.35 pm

No. 2963–S. Please pass following to Cunningham.[1] *Begins.* Jinnah has asked me to let you know how glad he is that you have agreed to serve as Governor of the Frontier Province and to send you a personal message of welcome. He is delighted to have secured for the Governorship of this most important Province such a distinguished person as you who, he is sure, will serve Pakistan will all your heart and loyalty to the State. *Ends.*[2]

[1] See Nos. 31, notes 6 and 7, and 180, notes 1 and 2.

[2] Sir G. Cunningham replied on 2 August as follows: 'Thank you very much for your kind message. I feel greatly honoured by being asked to serve Pakistan and the North West Frontier Province.' On 5 August Mr Jinnah sent a further telegram as follows: 'I shall be very pleased indeed if Sir George and Lady Cunningham will stay the night [11/12 August] with me at Karachi.' Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of— Part (3).

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/94: f 41

17 YORK ROAD, NEW DELHI, *27 July 1947*

Dear Lord Mountbatten,

You will remember that soon after your arrival in India as Viceroy I discussed Kashmir with you.[1] It was my intention then to visit Kashmir. But on your telling me that you would go there yourself, I decided to postpone my visit. Your visit to Kashmir[2] was from my particular point of view not a success and things continued as before. Indeed there was considerable disppointment at the lack of results of your visit.

2. My desire to visit Kashmir remained and indeed I felt it my particular duty to go there.[3] But in view of various other happenings following one another I continued to postpone my visit. I feel now that I must go there very soon if I have to go at all. I know very well that the work in Delhi is important and urgent and it is not easy for me to leave it. But Kashmir has become a first priority for me.

3. I have decided, therefore, to go to Kashmir about the 4th of August and to stay there four or five days. I shall fix up my programme more definitely in a day or two. I shall go, of course, as a private individual and not as a member of Government. My chief object in going there will be to meet my many friends and colleagues and more specially the common folk who have suffered so much owing to the disastrous policy followed by the State authorities for over a year. If it is possible for me, I shall meet Sheikh Mohamad Abdullah who is in prison. I shall endeavour to come back by the 10th of August.

Yours sincerely,

JAWAHARLAL NEHRU

[1] No record of such a discussion has been traced but cf. Vol. XI, Nos. 69, para. 3, 70, Item 2 and 369, para. 29.

[2] See *ibid.*, Nos. 294, 319, para. 5 and 369, para. 30.

[3] See correspondence ending with Nos. 129 and 149.

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Viceroy's Conference Paper V.C.P. 140

Mountbatten Papers

SECRET THE VICEROY'S HOUSE, NEW DELHI, *27 July 1947*

THE POSSIBILITY OF DISTURBANCES IN THE PUNJAB

Attached is a note containing a paraphrased version of a report rendered by the Director of Intelligence. Copies of this note (less this cover sheet) will be handed round at the Partition Council Meeting on Tuesday 29th July, if approved at the Viceroy's Meeting at 10 a.m. on Monday 28th July, 1947.

V. F. ERSKINE CRUM
Conference Secretary

THE POSSIBILITY OF DISTURBANCES IN THE PUNJAB
NOTE BY THE VICEROY'S STAFF

1. Information has been received from a reliable source to the effect that, if Nankana Sahib (which is about 12 miles north of Lahore) is not included, by the award of the Boundary Commission, in East Punjab, the Sikhs intend to start trouble on a big scale.

2. It is reported that the Sikhs intend to act on or about 7th August; and that during the ten days before this date large meetings will be held to work up agitation. As is already known, the Sikhs have collected large quantities of arms.

3. It is also reported that the Muslims are fully aware of the preparations which the Sikhs are making; and are, in fact, making counter-preparations themselves.

4. Both sides are attempting to subvert troops in the areas concerned. These attempts are said not to have been wholly unsuccessful; promises of assistance from some troops have been received.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Ceremonies For, Part I(2)

EXPRESS NEW DELHI, *27 July 1947, 2.00 pm*
CONFIDENTIAL *Received: 27 July, 4.30 pm*

No. 2970–S. My immediately succeeding telegram. Following is text of Oath of Office.

Begins. I . . . do swear that in the office of . . . I will bear true faith and allegiance to the Constitution of India/Pakistan as by law established; that I will be faithful to His Majesty, his heirs and successors according to law; and that I will do right to all manner of people after the laws and usages of India/Pakistan without fear or favour, affection or ill-will. So help me God. *Ends.*

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Ceremonies For, Part I(2)

CONFIDENTIAL NEW DELHI, *27 July 1947, 2.00 pm*
Received: 27 July, 4.30 pm

No. 2971–S. Your letter of July 22nd.[1] Instrument of Instructions and forms of oath.

2. The Governor-General's oath[2] is not likely to be any trouble (though I shall have to check this with Jinnah) but there may be difficulty over oaths for Ministers.

3. My immediately succeeding [?preceding] telegram[3] gives a draft oath of office which would combine the existing oath of office with existing oath of allegiance and would put allegiance to Constitution of India or Pakistan before allegiance to the King.

4. I am advised that there is a precedent in Irish case[4] for an oath of this sort and it might cause difficulty if I tried to secure agreement to old forms of oath.

5. I am sure the draft I suggest is fully adequate and I hope His Majesty will approve and allow me to discuss it with leaders. I will then discuss the question

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of issue of an abbreviated Instrument of Instructions to each of the Governors-General.[5]

6. In addition to oaths of office Ministers will take the oath of secrecy in existing form.

[1] No. 204. [2] No. 215. [3] No. 251.

[4] The oath to be taken by Members of the Parliament of the Irish Free State in clause 4 of the Irish Free State (Agreement) Act, 1922 reads as follows:

'I . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V, his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.'

[5] In tel. 9974 of 2 August Lord Listowel explained that it had been found that those paragraphs of the existing Instructions which were appropriate in the new constitutional circumstances, could be incorporated in revised forms of Commissions of Appointment of Governors-General and Governors. In seeking Lord Mountbatten's approval for the adoption of this procedure, Listowel emphasised the desirability of reducing formal documents of this kind to an essential minimum. Mountbatten conveyed his approval in tel. 3152-S of 4 August. L/P &J/10/142: ff 41–2, 35. For the subsequent Commissions of Appointment, see *Ibid.*, ff 24–6, 28–9. At Mountbatten's request, the concluding paragraph of the old form of Commission (which read: 'And we do hereby command all and singular Our officers and loving subjects in India/Pakistan and all others whom it may concern to take due notice hereof and to give their ready obedience accordingly.') was omitted.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Armed Forces, Reconstruction of, Volume I, Part I

IMMEDIATE NEW DELHI, *27 July 1947, 1.00 pm*
SECRET *Received: 27 July, 4.30 pm*

No. 2973-S. Appointment of Commanders of the armed forces of the two new Dominions. I have now received nominations from Nehru and Jinnah and propose to issue the following announcement for simultaneous release in India and the U.K. at 18.00 hours IST on Tuesday 29 July. Please obtain approval of Departments concerned and wire concurrence immediately. *Begins.*

The following officers have been selected by the provisional governments of India and Pakistan respectively to command their Armed Forces with effect from 15th August 1947.

Naval Forces

(1) Captain J. T. S. Hall, CIE, RIN to command the Naval Forces of India, in the rank of Rear Admiral.

(2) Commodore J. W. Jefford, OBE, RIN to command the Naval Forces of Pakistan, in the rank of Rear Admiral.

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Land Forces

(1) Lt. Gen. Sir Rob Lockhart, KCB, CIE, MC to command the Land Forces of India, in the rank of General.

(2) Lt. Gen. Sir Frank Messervy, KCSI, KBE, CB, DSO to command the Land Forces of Pakistan, in the rank of General.

Air Forces

(1) Air Marshal Sir Thomas Elmhirst, KBE, CB, AFC to command the Air Forces of India, and to continue in the rank of Air Marshal.

(2) Air Vice Marshal A. L. A. Perry-Keene, CB, OBE to command the Air Forces of Pakistan, and to continue in the rank of Air Vice Marshal. *Ends.*[1]

[1] Lord Listowel replied in tel. 9765 of 28 July as follows: 'After obtaining concurrence of departments concerned I have submitted proposals to the King who has approved.' Mountbatten Papers, Official Correspondence Files: Armed Forces, Reconstruction of, Volume I, Part I.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Telegram, L/P&J/8/663: f 47

IMMEDIATE LAHORE, *27 July 1947, 10.40 pm*
Received in India Office: 28 July, 7 am

NO. 195-G.

* * *

5. General situation worsening owing to refusal of Sikhs to await Boundary Commission award and their apparent unwillingness to accept it.

Repeated to Secretary of State and Governors of United Provinces, Sind and N.W.F.P.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/94: f 42

NEW DELHI, *28 July 1947*

Dear Friend,

It is my silence day. Hence this infliction in the shape of my hand writing.[1]

Pandit Nehru told me last night that as there were hitches about my going to Kashmir he had decided to go even if only for two or three days.[2] Thus I am now free to go to Bihar and thence to Noakhali. Before doing so, I might go for two days to the Punjab. I should like to leave Delhi tomorrow. You wanted me to see you before leaving. If the need is still felt, I am at your disposal tomorrow, you will then name the hour.

May I say I deeply appreciated your wish to go to an unpretentious house as the chosen Governor General of the millions of the half famished villagers of the Union. I hope it will be possible to carry out the wish.

Yours sincerely,

M. K. GANDHI

[1] The holograph original is on file R/3/1/94: ff 43–4.
[2] cf. No. 249.

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Minutes of Viceroy's Sixty-Fifth Staff Meeting, Items 2–4, 6–8

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 28 July 1947 at 10.00 am were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr Campbell-Johnson, Lieutenant-Colonel Erskine-Crum

Item 2

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

THE VICEROY said that it appeared that there had been serious confusion in the mind of the Commander-in-Chief concerning the new arrangements which had come into force as the result of the Reconstitution of the Interim Govern-

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ment. For example, in a letter[1] which he had written to Mr. Rajagopalachari the following paragraph occurred:—

> "You state in your letter that Mr. Chanda is being appointed Financial Adviser in place of Mr. Mohd. Ali. This statement would appear to me to have been made under a misapprehension. Mr. Mohd. Ali is Financial Adviser, Military Finance, in the Government of India and competent, therefore, to advise me as Commander-in-Chief and the Defence Secretary of the Government of India, on all matters affecting the Armed Forces of India as a whole. As I see it, Mr. Chanda, being representative of the new Dominion Government of India only, will in no way be competent to discharge these responsibilities".[2]

THE VICEROY said that he had also received a letter[3] from Pandit Nehru on this same subject.

LORD ISMAY said that the C. in C. appeared to have misunderstood the new arrangements. The situation had now been fully explained to him, and he was going to take the necessary action to correct the previous statements which had been made.

HIS EXCELLENCY THE VICEROY:—

decided to explain the situation verbally to Pandit Nehru at his next meeting.

Item 3

PRINCIPLES TO GOVERN EMPLOYMENT AFTER 15TH AUGUST, IN CERTAIN CIRCUMSTANCES, OF BRITISH OFFICERS SERVING WITH THE ARMED FORCES OF THE NEW DOMINIONS (V.C.P. 133)

This paper contained a draft telegram[4] from the Viceroy to the Secretary of State, which asked that the position of British officers serving after 15th August with the Armed Forces of the two new Dominions, should be defined in the event of the following situations arising:—

(a) A Dominion deciding to use its Armed Forces (other than police) to coerce a recalcitrant Indian State within its frontiers;

(b) Clashes between Armed Forces of the Dominions on the common boundary which might develop into serious conflict.

LORD ISMAY suggested that it was impossible to legislate against every eventuality. It was obvious that minor frontier clashes were quite possible. In such cases British officers would presumably do their utmost to stop the clashes. If anything of more serious proportions arose, both Governments would surely realise that it was impossible to ask British officers to fight against each other.

HIS EXCELLENCY THE VICEROY:—

(i) did not approve the draft telegram contained in V.C.P. 133;

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(ii) decided to mention this question at a future meeting of the Partition Council.[5]

Item 4

THE STATES

HIS EXCELLENCY THE VICEROY said that he was still confident that Hyderabad and Travancore would accede to the Dominion on the three Central subjects.

RAO BAHADUR MENON said that, so far as Hyderabad was concerned, he was more pessimistic. However, it was probable that sufficient States would join for the purpose in view. So far as Indore was concerned, he advised that the Viceroy should take no steps towards summoning the Maharaja in order to induce him to join. He considered it extremely probable that the Maharaja himself would approach the Viceroy on the subject before the end of July. However, a useful link in this connection might be the Maharaja of Kolhapur.

Item 6

THE GOVERNMENT OF THE FUTURE DOMINION OF INDIA

RAO BAHADUR MENON said that he was concerned about the way things were going in connection with the selection of Ministers for the Government of the future Dominion of India. He had hoped that this would be a Ministry of talents; possibly including a number of young men. However, it appeared that Pandit Nehru was having a great difficulty in forgetting his loyalties: and names such as those of Rajkumari Amrit Kaur had been mentioned. RAO BAHADUR MENON gave his opinion that Rajkumari Amrit Kaur did not possess the necessary capacity. He said that he understood that it was also intended to retain Mr. Rajagopalachari, Maulana Abul Kalam Azad, and Sardar Baldev Singh.

THE VICEROY gave his opinion that the four outstanding members of the present Government of India were Pandit Nehru, Sardar Patel, Dr. Matthai and Mr. Bhabha. It would be a great tragedy if the two latter were dropped.

[1] D.O. No. 80/M–5/R/47 of 24 July. R/3/1/169: ff 8–9.

[2] The two immediately succeeding sentences of Field Marshal Auchinleck's letter to Mr Rajagopalachari read as follows: 'For so long as the process of reconstitution of the Armed Forces continues under the direction of the Joint Defence Council, the Joint Armed Forces Headquarters under my control as Supreme Commander, will be dealing almost exclusively with matters concerning both Dominions. They cannot, therefore, be advised by an officer representative of one Dominion only.' *Ibid.*

[3] No. 247.

[4] See No. 113, para. 4. The draft (dated 16 July) had been prepared by Field Marshal Auchinleck upon instructions from Lord Mountbatten. The concluding paragraphs of the draft read as follows: 'I am in no doubt myself and Auchinleck agrees entirely that in the circumstances envisaged, British officers or other ranks can not repeat not be allowed to take any active part in operations and must be withdrawn under the orders of the Supreme Commander whatever inconvenience this may cause to the Dominion Governments. This is most urgent and I shall be grateful for an early decision.' Mountbatten Papers, V.C.P. 133. Auchinleck's draft was before the Viceroy's Sixtieth Staff Meeting (Item 5) on 18 July but further consideration of it was deferred until Lord Ismay's return from London.

[5] The question was in fact raised at the second meeting of the Provisional Joint Defence Council on 29 July. See No. 276, Case No. J.D.C. 9/2/47 and the last para. of Case No. J.D.C. 11/2/47.

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However, Mr. Bhabha himself had said that he might not be prepared to stay on because of the inefficiency of his colleagues. THE VICEROY said that, if Congress made a mistake in this matter, it was probable that they would not survive.

With this RAO BAHADUR MENON agreed. He said that he had pointed out to Sardar Patel that, in such circumstances, many of the present Government servants would feel that they might be of more assistance outside the Government than in it.

HIS EXCELLENCY said that he intended to discuss this matter with Pandit Nehru at his next interview. He would point out that, although he would be a constitutional Governor-General and bound to accept whatever advice he was given in this matter, he trusted that he would first have an opportunity of discussing the proposed list. It was customary for a Governor-General to have this opportunity.

RAO BAHADUR MENON emphasised the undesirability of it becoming generally know that His Excellency was taking a hand in this matter. He also advised against His Excellency discussing it with Sardar Patel.

HIS EXCELLENCY THE VICEROY:—

decided to discuss with Pandit Nehru at his next interview the question of the membership of the future Government of the Dominion of India.

Item 7

THE RETENTION OF INDIA WITHIN THE COMMONWEALTH

Reference was made to Paragraph 3 of the letter[6] which the Viceroy had sent that week to the Secretary of State. In this the Viceroy had touched on the question whether, at some future date, the Union of India might decide to leave the Commonwealth.

THE VICEROY said that he wished all members of his staff to give this matter their consideration; in particular, he would like a paper on the whole subject prepared by Mr. Morris Jones. Two points should especially be taken into consideration—first, the abolition of the term "Dominion"; and secondly, the nomination by the King of an elected Head of the State, whose title should preferably not be President, or translatable into English as such.

HIS EXCELLENCY THE VICEROY:—

directed P.S.V. to arrange for Mr. Morris Jones to write a paper, for consideration at a future meeting, on the possibility of a somewhat looser form of association with the British Commonwealth, with particular regard to the two new Dominions.

Item 8

THE POSSIBILITY OF DISTURBANCES IN THE PUNJAB (V.C.P. 140)[7]

This paper contained a note, for circulation at the Partition Council Meeting

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the following day, containing a paraphrased version of a report rendered by the Director of Intelligence to the effect that the Sikhs intended to start trouble on a big scale if Nankana Sahib was not included, by the award of the Boundary Commission, in East Punjab.

THE VICEROY drew attention to the reports which had appeared in that morning's papers to the effect that it has been necessary to open fire on a meeting of Sikhs at Nankana Sahib the previous day.[8] He said that he considered it doubtful whether it had been correct on the part of the Governor of the Punjab to declare this meeting illegal.[9] SIR GEORGE ABELL pointed out that a considerable number of people had been prevented from attending it as a result of this step.

RAO BAHADUR MENON said that he had suggested to Sir Cyril Radcliffe the possibility that Nankana Sahib might be made a sort of Vatican. This could not be done by the Boundary Commission, but Sir Cyril Radcliffe might put forward this suggestion to the Muslim League.

HIS EXCELLENCY THE VICEROY:—

approved V.C.P. 140, and directed Con. Sec. to hand round copies of this paper at the Partition Council meeting the following day.

[6] No. 227. Lord Mountbatten's letter had been circulated as V.C.P. 139.

[7] No. 250.

[8] The report in *The Statesman* of 28 July indicates that troops opened fire twice to disperse crowds and that five persons were injured. Sir E. Jenkins's account of the demonstration (see No. 292, para. 3) makes no reference to troops opening fire or to any injuries.

[9] See No. 214.

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Sir W. Monckton to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(a)

SECRET AND PERSONAL LAKE VIEW GUEST HOUSE,
HYDERABAD, DECCAN, *28 July 1947*

My Dear Dickie,

I have had long and intimate talks with H.E.H. on the question which you discussed with me,[1] namely, what chance there was of Hyderabad acceding to the Dominion of India before the 15th August. The whole subject has been discussed from every point of view and I am quite satisfied that H.E.H. has definitely made up his mind not to accede. I am sure that nothing—not even a visit by you—has the smallest hope of modifying this attitude. The truth is that the Moslems in the State would undoubtedly revolt if he acceded now. On the other hand, I do think that, in spite of great opposition from influential

[1] cf. No. 228, para. 21 and its note 16.

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quarters within the State and outside it, he is quite likely to be willing to offer by treaty substantially all that could reasonably be asked of him. I cannot, of course, commit him to this by a casual letter but I am faithfully recording my own appreciation of the position. The local Ittehad, supported by our mutual friend[2] from Delhi, are attacking me hard. But so far H.E.H. is not moved by it.

I shall probably be returning to Delhi about Wednesday and will ask for an interview. But I honestly cannot advise you to come here. I think the association of Hyderabad with the Indian Dominion is inevitable in the interests of both, but I believe it can't be rushed. The difficulties, as I am discovering to my cost, are real and intractable.

Yours ever,
WALTER

[2] Presumably a reference to Mr Jinnah.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and the Khan of Kalat

Mountbatten Papers, Viceroy's Interview No. 171

28 July 1947, 12.35 pm

H.H. reminded me that he had been one of my first visitors in March this year,[1] and was extremely complimentary about what had been achieved in so short a time, and he assured me that everyone in Kalat thought that the solution was the very best possible; they were delighted that Mr. Jinnah had got his Pakistan and grateful for my help in the negotiations with Mr. Jinnah.[2]

After this preliminary politeness we got down to business. He thanked me for obtaining recognition of the Pakistan Government that his position was that of an independent sovereign state in treaty relations with the British Government.[3] He told me that he had had a long meeting with Mr. Jinnah at which both had said that they wished to be friends with each other, and it looked as though a suitable treaty or agreement could be drawn up between them. But the main bone of contention was the leased territories.[4]

I explained to H.H. that this was a legal question which could be settled by getting an agreed legal opinion; but that it appeared to me as though the Pakistan Government would inherit the leases in the same way as they would inherit the Anglo-Afghan Treaty of 1921.

I also pointed out that the British and Indian governments had sunk a lot of money in Quetta and Wazirabad, and that even if the legal opinion was that

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the leased territories reverted to Kalat there still was the problem of how the immensely valuable fixtures were to be paid for.

H.H. admitted that all this would have to be worked out with Mr. Jinnah, but said that Jinnah was most anxious that he should see me and report progress; and he asked if he and Mr. Jinnah might come together to see me on their proposed draft treaty and agreement. I replied "With pleasure".

Finally he told me that he was extremely anxious that Mr. Jinnah should not import a Pathan A.G.G. into Baluchistan. Everybody, he said, liked Sir Geoffrey Prior[5] and everybody hoped that he would stay and that in any case, if he left, he should be replaced by a Britisher if Mr. Jinnah wanted peace.

He told me that all the Baluchis loved and trusted the British in a way they had never trusted anybody else.

I invited him to give Mr. Jinnah this advice.

M. OF B.

[1] See Vol. X, No. 59, p. 91. [2] See Nos. 82, 150, 159 and 174.
[3] See No. 174. [4] See *Ibid.*, note 1.
[5] See No. 178, note 3.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/94: f 45

28 July 1947

Dear Mr Gandhi,

Thank you for your letter of the 28th July.[1]

Pandit Kak told me he had given you[2] his reasons why the Kashmir Government were so very anxious not to have the visit from a political leader, which might result in the spread of violence from the Punjab border.

He told me after seeing you that although he feared even a visit from you might provoke violence, the fact that you were known to preach non-violence would reduce the risk in your case to less than half the risk if Pandit Nehru came.

The last thing he asked me to tell you was that if you felt it was essential that either you or Pandit Nehru should go, then he would greatly prefer a visit from you, particularly as the papers had already announced your visit and the public were mentally prepared for it.

May I therefore urge that you should suggest to Pandit Nehru that your visit at this moment would be better than a visit from him; for I really do not

[1] No. 255.
[2] Lord Mountbatten had arranged a meeting between Mr. Gandhi and Pandit Kak on 24 July when the latter was in Delhi for the meeting with the representatives of the States on 25 July. See Nos. 149 and 302, para. 26.

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know how the future Prime Minister can be spared from Delhi with only 18 days left for him to take over power.

Yours sincerely,
MOUNTBATTEN OF BURMA

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Rear-Admiral Viscount Mountbatten of Burma to the Resident at Kashmir

Telegram, R/3/1/94: f 46

MOST IMMEDIATE NEW DELHI, *28 July 1947, 3.00 pm*
CONFIDENTIAL

No. 2989–S. Inform Maharaja immediately that I arranged for Kak to negotiate with Gandhi about visit of himself or Nehru.[1] I warned him that if he discouraged Gandhi I was certain Nehru would go. Kak has now succeeded in dissuading Gandhi from going with the inevitable result that Nehru intends to visit State, as he always said he would if Gandhi was prevented from going.[2] He will arrive on 4th August and stay four or five days. He is undertaking to go as private individual and not as Member of Government. Object: meet friends and colleagues and if permission granted to see Sheikh Abdulla.

2. I am sending for Gandhi and Nehru and will make one more endeavour to stop Nehru though possibly at the expense of Gandhi going.

3. Finally, I must point out that I warned Kak after he had seen Gandhi that if he had indeed succeeded in preventing Gandhi from going then there would almost certainly be a visit from Nehru. I therefore must hold him solely responsible for this visit.

4. Please point out that declaration of adherence to one or other of the two Dominion Governments as soon as possible before the arrival of Nehru is now in the vital interests of His Highness.

5. I need hardly ask His Highness to ensure that Nehru is decently treated and nothing is done to embitter relations between Kashmir and the new Government of India.

[1] See No. 259, note 2.
[2] See correspondence ending with No. 249.

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Cabinet

India and Burma Committee. I.B. (47) 43rd Meeting

R/30/1/12: ff 23–5

SECRET

Those present at this Meeting held at 10 Downing Street, S.W.1, on 28 July 1947 at 5.00 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr Arthur Henderson, Lord Chorley.

Also present during discussion of this item were: Sir P. Patrick, Mr H. A. F. Rumbold

Minute 2

CEREMONIES IN INDIA ON 15TH AUGUST AND FLAGS FOR NEW DOMINIONS

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 147)[1] regarding the ceremonies to be held in India on 15th August, 1947, and the flags proposed for the new Dominions after the transfer of power.

THE SECRETARY OF STATE FOR INDIA said that the Viceroy had suggested that The King might be prepared to send a message to the new Dominions on 15th August, since this would be very greatly appreciated. A difficulty had arisen over the question of the flag to be used in future by the Provincial Governors. The Viceroy had agreed with Pandit Nehru and Mr. Jinnah that Provincial Governors should fly flags similar to those of the Governors-General (which was a blue flag with on it a crown and lion in gold and the name of the Dominion) but with the name of the Province inserted instead of the Dominion, and without the lion. It had been pointed out to the Viceroy[2] that the flag of the Governors-General signified the latter's position as His Majesty's personal representative in a special sense, and that its use by Governors would be an innovation. He had expressed the hope that it might be possible for Provincial Governors to fly the Union Jack or the Union Jack with the badge of their Province as was the custom of Governors of Australian States and Lieutenant Governors of Canadian Provinces respectively. Lord Mountbatten had, however, replied[3] that there was no possibility of securing agreement at this stage to this suggestion.

The Committee felt that it was undesirable that the flags used by Provincial Governors should be too closely similar to that flown by the Governors-

[1] No. 243.
[2] Tel. 9697 of 26 July. L/P &J/10/138: f 188.
[3] Tel. 2979-S of 27 July. *Ibid.*,: f 174.

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General. They thought that the Provincial Governors' flags might differ in the colour of their background from those used by the Governors-General, i.e. those for Pakistan might have a dark green background and those for India a saffron one. In view of the short time available flags of both types might be made and sent out in anticipation of the Viceroy's agreement.

The Committee:—

(1) Invited the Secretary of State for India to ask the Viceroy for his suggestions regarding the form which the Royal Message to the new Indian Dominions on 15th August might appropriately take.[4]

(2) Invited the Secretary of State for India to consult further with the Viceroy in the light of their discussion regarding the flags to be used by Provincial Governors in the new Indian Dominions after the transfer of power.[5]

[4] In tel. 9672 of 26 July, Lord Listowel had forwarded to Lord Mountbatten the draft of a Royal Message which had been placed before the Cabinet India and Burma Committee the same day (see No. 243, para .2). In tel. 9767 of 28 July, Listowel explained that, upon further consideration, the draft seemed capable of improvement and that it should perhaps be framed in more personal terms. He added: 'I am sure that you are in best position to prepare something which while more inspired would not irritate Indians . . .' In his reply, Mountbatten suggested that separate messages for India and Pakistan would be more appropriate and forwarded drafts of such messages in tels. 3203-S and 3204-S of 6 August. Listowel submitted these drafts to the Prime Minister in his minute, Serial No. 146/47, of 11 August and sought permission to submit them to the King. Mr Attlee gave his permission on 12 August and the King approved the drafts the same day. L/P &J/10/136. Mountbatten delivered these messages in his addresses to the Constituent Assemblies of India and Pakistan on 15 and 14 August respectively. See Appendices I and II to No. 489.

[5] It was subsequently agreed that the flags to be used by Provincial Governors would be similar to those used by Governors-General except that they would carry the Crown without the Lion with the name of the Province in white. The background, instead of blue, would be saffron in the case of India and deep green in the case of Pakistan. L/P &J/10/138.

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Minutes by Mr Rumbold, Sir P. Patrick and Mr Henderson

L/P&S/13/1848: ff 137–9

There are two points in the Viceroy's speech to the Representatives of the States on 25th July[1] which seem to be inconsistent with what was said on this subject in Parliament and I suggest that it is desirable that we should draw the Viceroy's attention to these inconsistencies so that in his further discussions with the Representatives of the States he may avoid further emphasis of these two points.

In these discussions with the States the Viceroy is acting as a mediator in his personal capacity. He is not acting on the advice of his Ministers either in form or in fact. That being so we are answerable here for what he may do and it

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would seem well to give him warning that he may be creating grave embarrassment for us, particularly having regard to the importance which the Opposition attaches to no pressure being put upon the Princes *by us*.[2]

H.A.F. RUMBOLD
28.7.47

The Viceroy's speech to States representatives is very difficult to reconcile with the passage in the Prime Minister's second reading speech[3] regarding the Princes or with his assurance in his concluding speech[4] that H.M.G. would exercise no pressure on the States to federate.

It would be legitimate, I think, to endeavour to persuade the States to accept in addition to the standstill arrangement provided for in the Indian Independence Act, s.7(1) Proviso,[5] a *modus vivendi* in regard to external affairs, defence and communications with the adjacent Dominion whereby while terms of accession are being negotiated they will enjoy external protection from that Dominion and grant it the security of communications within their territories necessary to ensure that such protection would be effective. But it is surely unreasonable to expect any State before 15th August to commit itself to accession to a Federal Constitution yet to be agreed upon and promulgated, even on the basis that accession is only for three items, external affairs, defence and communications.

It can, however, be seen from a glance at the existing Federal List in Schedule VII to the Government of India Act, 1935, that the great majority of the entries in that list are relatable to External Affairs, defence and communications and the finance necessary to these subjects. Sardar Patel's offer of federation

[1] No. 234. [2] Emphasis in original.

[3] In his second reading speech regarding the princes Mr Attlee remarked: 'It is the hope of His Majesty's Government that all States will, in due course, find their appropriate place within one or other of the new Dominions within the British Commonwealth, but until the constitutions of the Dominions have been framed in such a way as to include the States as willing partners, there must necessarily be a less organic form of relationship between them, and there must be a period before a comprehensive system can be worked out.' Attlee also referred to the proviso in clause 7(1) of the Independence Bill (see No. 164) which had been inserted to secure the continuation of financial and economic agreements on matters of common concern to the States and British India and suggested that the consummation of more detailed and binding arrangements would 'take time to work out, and the transition of the States from the lapse of paramountcy into a free association with the new Dominions is a process which will require proper discussion and deliberation'. *Parl. Debs.*, 5th ser., H. of C., vol. 439, 10 July 1947, col. 2452. See also No. 39 and its Enclosure.

[4] Mr Attlee concluded his remarks about the princes in his second reading speech in the following manner: 'If I were asked what would be the attitude of His Majesty's Government to any State which has decided to cut adrift from its neighbours and assert its independence, I would say to the ruler of that State, "Take your time and think again. I hope that no irrevocable decision to stay out will be taken prematurely." ' *Parl. Debs.*, 5th ser., H. of C., vol. 439, 10 July 1947, col. 2452. In response to questions at the committee stage Attlee remarked, with reference to the States: 'I do not think it would be wise for me to add anything to what I said on second reading, which was to the effect that we did not want to bring pressure either way.' *Ibid.*, vol. 440, 14 July 1947, col. 112.

[5] See No. 164.

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was very loosely phrased.[6] It is clear, however, that it must mean something more than bare accession for these Items, e.g., their financial and administrative implications. Moreover, it is inconceivable that Congress, having decided on a strong centre, at the expense of the Provinces, have abandoned all their intentions of infiltrating into the States.

The draft Instrument of Accession proposed by the Viceroy, which he admitted had not yet been accepted by the Government of India, has not been referred to this Office. I gather from Sir Conrad Corfield that he also had had no part in framing it. It remains to be seen whether the terms offered by Sardar Patel when reduced to documentary form will in fact prove acceptable to the States. Meantime they are left with the impression that the Viceroy condones pressure on them to accept, as for example by withholding the normal supplies of arms and ammunition,[7] and that the assurances given in Parliament were meaningless.

It does not seem profitable merely to take the Viceroy to task after his speech has been made. But we have to be ready to deal with any questions in Parliament which his speech may evoke. In the versions in the Press here the more minatory phrases which appear in the full text do not seem to have been reproduced. But as there has been a good deal of press reference[8] to the speech it seems quite probable that questions will be asked.

In any reply H.M.G. will naturally be disposed to take its stand on the statement of policy contained in the Cabinet Mission's Memorandum of 12th May 1946,[9] and to say that they do not interpret the Viceroy's remarks as intended to imply any departure therefrom. It could be added that H.M.G. share the Viceroy's desire that there shall be no avoidable delay on the part of the States in filling the void when Paramountcy lapses in one or other of the ways indicated in the Memorandum, namely by entering into a federal relationship with the appropriate Dominion or, failing this, entering into particular political arrangements therewith.

It may be thought desirable to obtain the Prime Minister's approval to a telegram in the above sense.

[P.J.P.]
28.7.47

Secretary of State,

Reference attached draft telegram.[10] I think paragraph 4 goes too far.[11] I see no reason why the States should not make up their minds in principle before August 15th;[12] nor does it seem necessary that they should have the constitutions of the Dominions before them prior to them taking their decision. The suggestion is that they should only be associated with either Dominion in respect of three subjects; defence, foreign affairs and communications. I think what the Viceroy had in mind, therefore, was not to suggest that they

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should necessarily accede prior to August 15th, but to indicate their willingness so to do.[13]

A. H.
29.7

[6] See Vol. XI, No. 528. [7] See Nos. 66 and 179.
[8] See eg *The Times*, 26 and 28 July 1947. [9] Vol. VII, No. 262.
[10] Not printed. The draft telegram attached to this minuting was the same as the telegram (No. 307) as issued.
[11] Lord Listowel commented: 'If the Viceroy said that the States must accede before Aug. 15, I do not think this statement is consistent with the P.M's speech. Provided that he did say this I think para. 4 should stand.'
[12] Lord Listowel commented: 'I interpret his words in this sense.'
[13] Lord Listowel minuted: 'Draft telegram should go to P.M. with covering minute on lines of Rumbold's comment.' The draft and minute were put up to Mr Attlee on 29 July. Atrlee approved the telegram on 31 July. L/P &S/13/1848: ff 132–6.

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Minutes by the India Office[1]

L/P&S/13/1846: ff 50–2

I understand that the past papers about Kalat are in the External Department, but my understanding, which Mr. Donaldson will doubtless be able to confirm, is that we have always stoutly resisted any claims by Kalat to regard itself as anything other than an Indian State. Consequently the Viceroy and the Pakistan representatives seem to me to be quite wrong in their facts in accepting the claim of the State to be regarded as a separate international entity.

Apart from this, it is quite contrary to the policy which we have been following, with the strong support of the Viceroy, of declining to recognise any Indian States as separate international entities at this stage. To do so in the case of Kalat will encourage other States to stand out from federation with one or other of the Dominions, and this risk seems to outweigh the transitory advantage which such an admission in the case of Kalat might give Pakistan in negotiations with Kalat in respect of the leased areas. There are particular dangers in making this admission in respect of a frontier State, because it is so much easier for such a State to maintain its independence.[2]

I think that we ought to explain these dangers to the Viceroy. Until 15th August we cannot avoid responsibility for his actions.

H. A. F. RUMBOLD
28.7.47

[1] These minutes refer to the record of the Viceroy's Twentieth Miscellaneous Meeting of 19 July at No. 174.
[2] Mr Donaldson commented on the last sentence of this paragraph as follows: 'You can't press this very far with Kalat, can you?'

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Sir P. Patrick suggested to me that the VR's action in respect of Kalat is inconsistent with the G/I's attitude towards Chinese overtures to Bhutan. But I am not certain that this really helps us, because the VR would doubtless point out that, even if Kalat is not an Indian State, we control its foreign policy under Article 3 of the 1854 Treaty in the same way as we control Bhutan's foreign relations.

H.A.F. R[UMBOLD]

I quite agree: though the pass seems to have been sold and Pakistan is committed to the contrary view. Bhutan is *not*[3] and never has been, an Indian State though by the Treaty of 1910 (Aitchison XIV No. IX)[4] the Bhutan Govt. is "guided by the advice of the Br Govt." in its external relations. There is a distinct difference between the two. Unless it would pile on the agony I wd. add a sentence about the Treaties to para 1 of the telegram.[5]

E.P. D[ONALDSON]
28.7

Sir W. Croft
Sir A. Carter
I think the Viceroy made a mistake here—perhaps in trying to be too clever over the inference that Pakistan inherits the Crown's rights in Quetta and so avoiding the impasse over Berar. But Sir C. Corfield tells me H.E. did this, against his advice, quite deliberately, and as Mr. Donaldson says the pass has been sold. Kalat has always maintained an unwarranted claim to independence. But this really collapsed when it joined the Chamber of Princes and got into the 1st Schedule to the Government of India Act with a Seat in the Federal Legislature.

I should not be disposed to telegraph but merely to mention the point mildly in Secretary of State's letter.[6]

P. J. P[ATRICK]
28.7

Secretary of State
I think there is no doubt that the Viceroy went astray. But I am not too sure what there is to be gained by pointing it out.

W. D. C[ROFT]
29.7

[3] Emphasis in original.
[4] C. U. Aitchison, *A Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries, Vol. XIV*, Revised and continued up to the end of 1929, Calcutta, Government of India Central Publication Branch, 1929.
[5] A telegram to Lord Mountbatten had been drafted but it was not sent. Instead, as recommended by Sir P. Patrick and Sir A. Carter (see Patrick's minute and note 6 below), the point about Kalat was mentioned in Lord Listowel's letter of 2 August (see No. 317, para. 6).
[6] Sir A. Carter commented against this recommendation: 'I agree. RHAC. 29.7.47.'

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The Resident at Hyderabad to Mr Griffin

L/P&S/13/1843: ff 145–6

TOP SECRET THE RESIDENCY HYDERABAD, BOLARUM,
D.O. No. 84-R *28 July 1947*
My dear Griffin,

HYDERABAD AFFAIRS

I am writing this letter with the object of describing the situation in the State with reference to the present constitutional changes since an appreciation of the existing position may be of interest. I propose also to attempt to forecast how events may develop after the 15th August in the various differing circumstances which may then exist.

2. The dominant factor in the situation is the communal feeling between Hindus and Muslims. This has recently increased considerably and is now very intense, particularly in the towns. In the countryside it is not so much in evidence partly because the large majority of the villagers are Hindus and, partly perhaps at the present time, because most of the country population is too much engaged in work in the fields to have much time to attend to other matters. Were serious communal rioting to occur at any point however it might well spread throughout the State. Even now all political questions are considered almost wholly on a communal basis. A constant recollection of this fact is essential to a correct appreciation of the present state of affairs and to any accurate forecast of the course which events may take in future.

3. In these circumstances the division of British India into communal units greatly increased the difficulties of the Nizam and his Govt. in solving the problem of the State's future political relationship with the rest of India. So long as the whole country remained a single unit in some parts of which Muslims predominated and in others Hindus, there could be no reasonable objection to the State joining the rest of India under some such arrangement as that described in the Cabinet Mission's plan.[1] The problem in the State was merely an extension of the All-India problem. The position was wholly changed by the division of British India on a communal basis. Thereafter the Hindus in the State clamoured for the inclusion of the State in the Union of India, while the Muslims agitated for it to remain independent or to join Pakistan. In those circumstances had the Nizam announced his intention of acceding to the Union of India he would have outraged the feelings of his Muslim subjects: had he elected to join Pakistan he would have alienated his

[1] Vol. VII, No. 303, paras 14–15.

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Hindu subjects—in addition to leaving many of the State's administrative problems unsolved. Thus the reasons by which in his recent firman,[2] he justified his decision to remain independent of both the new British Indian units were not merely sophistical arguments but a statement of cold hard fact.

4. The problem of the State's future relationship with the Union of India by the territories of which it is completely surrounded, however, remained unsolved. The Nizam, in his firman, had indicated his desire to negotiate on this subject and as a basis for such negotiations Monckton suggested[3] that the State should agree to enter into a treaty with the Union of India by which, in return for certain concessions, the Govt. of the latter would be allowed to conduct the State's foreign relations and defence against external aggression and to be responsible for its through communications. This plan, while, for practical purposes, it fulfilled the recommendations of the Cabinet Mission that the three subjects in question should be administered by the Federation, did so by a method which had a reasonable chance of being accepted by both communities. On the one hand, it avoided the accession of the State to the Union of India—which, as I have pointed out, would almost certainly have been resisted by the Muslims: on the other, it afforded a means of solving the problem of the State's future relations with the Union of India in a manner which might be acceptable to Hindu opinion. It was probably the only method of achieving a practical solution of the difficulty by peaceful means. The plan at first seemed to have a good chance of being adopted by Nizam's Govt. as a basis for negotiation: subsequently, however, objection was taken to it by the non-official Muslim member[4] of the Council on the ground that it merely conceded indirectly the position which accession to the Indian Union would have yielded directly. This view was first put forward by the Muslim Member in question in Delhi during the recent visit[5] of the State's delegation of which he is a member to that place. The other members of the delegation appear to have adopted a non-committal attitude being, no doubt, characteristically unwilling to commit themselves until they knew the Nizam's reaction to the proposal. Meanwhile objection to the plan is increasing among members of the Ittihad-ul-Muslimin who apparently consider that the State's best policy would be to agree to negotiate a treaty with the Govt. of the Indian Union and to enquire what subjects that Govt. desired to have included in it. Since, assuming the Indian Union to be prepared to negotiate a treaty at all, the principal matters with which it would deal are already well known, this suggestion is particularly fatuous and could only result in the State being left on the 15th August with its future relationship to the Indian Union wholly undefined. Up to the present the Nizam has adhered to his original opinion in favour of Monckton's plan, but it is uncertain whether he will continue to do so should Muslim agitation against it increase. If he changes his opinion

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and decides in favour of the policy suggested by the Ittihad-ul-Muslimin, Monckton, upon whom some veiled attacks have been made in the local Muslim press, will I understand refuse to continue as his Constitutional Adviser.

5. The present position therefore is one of considerable difficulty and uncertainty. As regards the future should Monckton's plan prevail and be accepted by the Govt. of the Union of India as a basis for negotiation there is a reasonable chance of disturbance, at any rate on any considerable scale, being avoided. Should however no effective action to reach an agreement with the Union of India be taken in the near future there is a strong probability that an active agitation will be started by the State Congress and widespread rioting may result. It is unfortunate that both the State Congress and the Ittihad-ul-Muslimin which represent the majority of vocal Hindu and Muslin opinion in the State are at present under the control of their more extreme members. Meanwhile many of those who can afford to do so are sending their families and valuables to places of safety outside the State in anticipation of the trouble which may come.

6. I will keep you informed of any further developments.

Yours sincerely,

C. G. HERBERT

Annexure to No. 264

Commonwealth Relations Office, (Division B) Minutes[6]

HYDERABAD RESIDENT'S FINAL APPRECIATION. THE NIZAM'S FIRMAN[7]

The attached final Appreciation by the Resident of affairs in Hyderabad at the end of July, together with the Firman issued by H.E.H. the Nizam are submitted for information. The former is now rather out of date but is probably worth perusal.

The dominant factor in Hyderabad politics is believed to be the communal feeling between Hindus and Muslims which is now intense. Questions therefore fall to be considered almost entirely in this light. The problem is really an extension in miniature of the general all-India problem.

The Resident believes that the Nizam's bid for independence has been forced on him, quite apart from any personal ambitions, by cold hard fact. Sir Walter

[2] Dated 12 June 1947. Vol. XI, No. 163. [3] cf. Nos. 228, para. 20 and 257.

[4] Presumably a reference to Syed Abdur Rahim.

[5] The Hyderabad delegation visited Delhi twice in July 1947. See Nos 61, 228, paras. 20-21 and 240.

[6] These minutes are on L/P &S/13/1843: f 144. The India Office was absorbed into the C.R.O. on 15 August 1947, but retained for sometime thereafter a distinct identity as C.R.O. Division B. J. Garner, *The Commonwealth Office 1925-68*, London, 1978, pp. 287-9.

[7] This refers to a Firman warning against propaganda and not to the Firman of 12 June 1947 in Vol. XI, No. 163. A copy of the Firman in question had been forwarded by Mr Herbert to Mr Griffin on 1 August. L/P &S/13/1843: f 147.

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Monckton's suggestion of a Treaty between India and the State is discussed and is considered to be probably the only method of achieving a practical solution without trouble. He himself may not continue much longer as Constitutional Adviser to the Ruler.

Failing acceptance of this plan, the Resident considers that widespread rioting may ensue. Many people in ancitipation of this are already taking steps to remove their families and valuable[s] from the danger areas.

The Firman issued by the Nizam is admonitory in tone.

R. G. CHISHOLM
18.8

This report is hardly worth circulating to I and B Committee. Mr Herbert's letter was written before the most recent reports[8] from Lord Mountbatten. These did not indicate that the negotiation of a treaty between the Nizam and the G/I was being seriously considered in the States Department; on the other hand Lord Mountbatten had consented to continue to negotiate on behalf of the G/I with the Nizam after the transfer of power.

Sir W. Monckton, if he cannot speak for the Nizam's Govt, has ceased to serve a useful purpose as negotiator. It looks to me as if contact between Hyderabad and Delhi could more profitably be maintained on a lower level with a view to preparing the ground for a successful *démarche* by Lord Mountbatten.

The proposal at A[9] was I feel sure the right one; that at B[10] was a mere waste of time and no doubt wrecked the prospects of the former.

P. J. P[ATRICK]
19.8

This is a very interesting appreciation of Hyderabad's position. It strengthens the doubts which we had here about the wisdom of the Viceroy's efforts to get Hyderabad to accede instead of urging on the G/I acceptance of a treaty with the State.

H. A. F. R[UMBOLD]
18.8

The logic of economics and geography is inexorable; in the long run Hyderabad, to enjoy a tolerable existence, will have in some way to "come in". If the "plan" were tried, and worked smoothly, the way might be open for a closer merger at a later time.

G. H. B[AXTER]
19.8

[8] See Nos. 228, paras. 20–21, 302, para. 47 and 385, paras. 15–18.

[9] The letter A had been inserted by the India Office in the margin of para. 4 of Mr Herbert's letter against that section which begins 'Monckton suggested' and ends 'for its through communications'.

[10] The letter B had been inserted by the India Office in the margin of para. 4 of Mr Herbert's letter against that section which begins 'the State's best policy' and ends 'desired to have included in it'.

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Rear-Admiral Viscount Mountbatten of Burma to the Maharaj-Rana of Dholpur

R/3/1/139: ff 24–7

NO. 592/89 *29 July 1947*

My dear Maharaj-Rana Sahib,

When we met yesterday at the party at the Viceroy's House I told you I had dictated my reply to your letter[1] and would send it round by the hand of a Staff Officer who has been with me for 5 years, Mr. Campbell Johnson, whom I introduced to you. He will bring this round and will gladly answer any further questions or take back any further message from Your Highness. Although I thanked Your Highness verbally for your letter of the 20th July, I must apologise that sheer pressure of events has prevented me from acknowledging it in writing.

Most of the points that you raise have been answered either verbally or by the actual events; since you will observe that I myself took the chair at the meeting[2] of the Chamber of Princes which Your Highness attended; and that at this meeting a committee was set up, to which, so far as I can find out, everyone present agreed.

Out of some 565 States there are indications that somewhere round about 560 would accede to their appropriate Dominion, using the Instrument of Accession[3] for India which I submitted at the meeting which Your Highness attended, and adopting somewhat similar lines for Pakistan.

I understand that the Rulers who are contemplating not acceding have already been organised by our mutual friend the Nawab of Bhopal with whom I have been in constant touch.[4]

Consequent on our two or three recent talks I think I may also claim to know Your Highness's views and I trust you know mine.

I have already met the Hyderabad delegation[5] and am in touch with His Exalted Highness the Nizam[6] and also Sir C. P. Ramaswami Aiyer.[7] I hope to meet the Maharaja of Indore soon. Thus, I think it may fairly be said that I am endeavouring to keep touch with the representatives of all points of view.

I appreciate Your Highness's regard for the Royal House of Windsor and your concern that I should not be directly or indirectly associated with an

[1] cf. No. 242. [2] See No. 234.
[3] For the final version of the Instrument of Accession, see Enclosure 1 to No. 313.
[4] See correspondence ending with No. 239.
[5] See Nos. 61 and 228, para. 20; see also No. 240.
[6] See No. 33; see also Nos. 228, para. 21 and 257.
[7] See No. 228, paras. 16–19.

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attempt to hustle the Indian Princes into any hurried decisions within 3 days. I am glad to assure Your Highness that this is far from my wish, and I would be glad to extend the time to any Prince who wishes an extension until the 14th August, which you will appreciate is the last possible date on which I can be of any further direct service to the States, since my functions as Crown Representative end at midnight on that day. This will give Your Highness one month from the time you first received the proposals; and I trust that you agree that this will meet your objections.

In your letter you ask whether you may enter into a treaty in respect of common matters with the two dominions to avoid becoming an integral part of either dominion. As I explained to Your Highness, I have now wrung from the future Government of India the maximum concessions to which they will agree, and they will definitely not enter into any treaty with any State since they consider that the terms of the Instrument of Accession, which I myself drafted,[8] are fair and generous.

I would point out that immediate accession to a Dominion on the three subjects of Defence, External Affairs and Communications will not prejudice the position of the States either in regard to their participation in the Constituent Assembly or their ultimate freedom to join or not to join the Union constitution that may eventually be adopted by that Assembly. My plan merely provides a basis on which common policies can be evolved in regard to these three subjects for the interim period, while the new constitution is being framed in the Constituent Assembly. That being so I have never been able to understand Your Highness's point of view that you are afraid that if you sign the Instrument of Accession you will find yourself linked against your will to an independent Government without a monarchical head. If you accede now you will be joining a Dominion with the King as Head. If they change the constitution to a republic and leave the British Empire, the Instrument of Accession does not bind you in any way to remain with the republic. It would appear to me that that would be the moment for Your Highness to decide if you wish to remain with India or reclaim full sovereign independence.

I know that His Majesty would personally be grieved if you elected to sever your connection with him whilst he was still King of India now that it has been made clear that this would not involve you in accepting to remain within a republic if this was inacceptable to you when the time came.

I too will be grieved if I find that Your Highness refuses to accede before the 14th August, since I shall bitterly feel the fatal isolation of an old friend; and it would be sad that you or your illustrious family would travel without any diplomatic privileges unless Your Highness were able to set up legations or consulates in various parts of the world to look after the interests of your subjects.

You asked me what I thought India would do to Dholpur if you did not

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accede. To the best of my knowledge and belief they will do nothing; that is precisely the trouble—nothing whatever will be done and your State will remain in complete isolation in the centre of an indifferent India.

Although Your Highness, being a man of such great wealth, may be able to abdicate and leave your State, I know that your loyalty to your subjects and your belief in the position and obligations of a Ruler will not let you desert your subjects; and I shall grieve indeed as I read reports of the plight of Dholpur month by month during 1948.

I need hardly assure Your Highness that this letter is written in the most sincere spirit of friendship, and if I can help in any further way by personal meetings, I hope you will regard me as at your disposal to help you with discussion and advice.

Yours sincerely,
MOUNTBATTEN OF BURMA

[8] The terms of the Instrument of Accession had in fact been drafted by Mr V. P. Menon; see *ibid.*, para. 26.

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Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Indore

R/3/1/139: f 31

29 July 1947

Your Highness has doubtless seen in the Press the report of my speech[1] to the Rulers and their representatives on the 25th July. It has been a great disappointment to me that I have not had the benefit of your counsel in the deliberations here regarding the accession of States to the Indian Dominion and other important matters of common concern to British India and Indian States. I am glad, however, that there is still time to make up for this and to that end I am sending this invitation to you through Their Highnesses the Maharajas of Baroda, Gwalior and Kolhapur to come to Delhi for a frank and free talk on these matters.

2. Time is pressing and the problems demand urgent solution. I hope, therefore, that Your Highness will avail yourself of the earliest opportunity of visiting Delhi, preferably before the end of this week as I may be away from August 3rd for two or three days.

[1] No. 234.

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Directive from Sir A. Smith

Mountbatten Papers. Official Correspondence Files: Secret Orders to British Forces in India

TOP SECRET AND PERSONAL *29 July 1947*

No. AFS/34

USE OF BRITISH TROOPS AFTER 14 AUGUST 1947[1]

1. The contents of this Document are NOT[2] to be divulged to Indians, and may ONLY be known to British Officers as follows:—[3]

(a) C-in-C India
and his three senior *British* staff officers.

(b) C-in-C Pakistan
and his three senior *British* staff officers.

(c) G.O.C.-in-C., Southern Command
and his two senior *British* staff officers.

(d) G.O.C.-in-C., Eastern Command
and his two senior *British* staff officers.

(e) Area and Sub Area British Commanders
at discretion of C-in-C India* and Pakistan and their senior *British* staff officer.

*G.O.C.-in-C. Eastern Command and G.O.C.-in-C. Southern Command will act for C.-in-C. India in deciding.

(f) G.O.C., British Troops in India and Pakistan and his two senior staff officers.

(g) Commanders British Brigades and their Brigade Majors.

(h) C.Os of British Battalions and their seconds in command.

2. No copies of this document will be made.

No issues will be made below:—

(a) those area and sub area commanders authorised to receive copies under para 1(e) above.

(b) British Brigade Commanders.

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All copies will be destroyed when British Troops leave India.
ACKNOWLEDGE.

ARTHUR SMITH
Lieut General
CHIEF OF THE GENERAL STAFF

Enclosure to No. 267

USE OF BRITISH TROOPS AFTER 14 AUGUST 1947

1. The charter for G.O.C. British Troops in India and Pakistan lays down that the Supreme Commander may order the employment of British Troops in "unforeseen contingencies".

2. In certain cases the protection of British lives would come under the term "unforeseen contingencies", and the employment of British Troops in such an emergency after 14 August 1947 will be governed by the following:—

(a) Although British Troops can NOT be employed in communal disturbances to protect Indian subjects, they may be so employed to protect British lives.

If, in the opinion of the local commander, British lives can only be saved by the use of British troops to suppress a communal riot; permission for their use in this manner may be given by the Supreme Commander.

(b) The chain of responsibility in this matter will be as follows:

(i) When a local civilian authority requests the assistance of troops, the local sub area commander decides what troops and how many shall be used. If he considers British lives are endangered, and if he considers the employment of British Troops as essential, he will (after consulting the local Commander of British Troops) apply to the next senior commander for authority to use them, at the same time sending "for information" a telegram to the Chief of Staff (Army) Supreme Commanders HQ, who will consult G.O.C. British Troops in India and Pakistan. In the meantime, the local commander in British Troops will have referred the

[1] Lord Ismay put up a copy of these orders to Lord Mountbatten on 31 July, minuting: 'I think that you should glance through these very secret orders when you have time. It is very hard to cater for all possible eventualities, but these orders look as good as they can be. Ismay.' Mountbatten Papers, Official Correspondence Files: Secret Orders to British Forces in India.

[2] Emphasis throughout in original.

[3] In IRKU 474 of 9 July 1947 to General Sir G. Scoones, Field Marshal Auckinleck referrred to para. 2 of Lord Mountbatten's tel. 1744-S of 4 July (Vol. XI, No. 511), which dealt with the question of the use of British troops in an emergency to save British or European lives, and remarked as follows: 'I agree no mention of this should be made in official Charter to G.O.C. British troops in India but it is not wise to rely on *ad hoc* arrangements should emergency arise and Viceroy agrees that instructions should be issued to limited British Commanders on Top Secret and personal basis.' Mountbatten Papers. Official Correspondence Files: Withdrawal of British Forces, Part (2).

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matter direct to G.O.C. British Troops in India and Pakistan, and the C-in-C of the Dominion concerned will have reported to the COS(Army) Supreme Commanders HQ, and given his recommendations.

(ii) Before British Troops are used operationally the decision of the Supreme Commander will be obtained. In exceptional circumstances, however, where the time factor does not allow references to higher authority, the local British area/sub area commander—after consultation with the senior British officer (not below Brigade Commander)—may call on British Troops to intervene if he is satisfied this is essential to protect British lives. In this case, he will at once report his action.

On approval by the Supreme Commander, orders will be issued by the COS(Army) to the G.O.C. British Troops in India and Pakistan with copies to Army HQ of the Dominion concerned, to the G.O.C.-in-C concerned and to the local Area Commander.

G.O.C. British Troops in India and Pakistan will place the necessary British troops "in support" of the local area/sub area etc commander, IF this officer is a British officer. Constitutionally British Troops cannot serve under an Indian officer, and if the local area/sub area commander etc is an Indian officer, the Commander-in-Chief of the Dominion concerned will make other arrangements for local command.

(iii) At all times when British troops are employed operationally the local British Commander has the right of direct access to G.O.C. British Troops in India and Pakistan to whom he will send regular reports. It will be his responsibility to ensure that British Troops are not wrongly used, and to recommend their withdrawal when the task is completed should such withdrawal not have been already ordered by the British Commander under whom the British Troops are acting 'in support'.

(iv) In addition, the local commander of British Troops (not below the rank of Brigade Commander) must be prepared to take action to protect British lives without order, from the local area/sub area commander should he consider it necessary. In such event he will immediately report to G.O.C. British Troops in India and Pakistan, and to the local area/sub area commander the action he has taken.

ARTHUR SMITH
Lieut General
CHIEF OF THE GENERAL STAFF

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Sir G. Abell to Mr Morris-Jones

R/3/1/152: f 8

SECRET *29 July 1947*

No. 1996/5

My dear Morris-Jones,

H.E. asks me[1] to say that he will be grateful if you will examine the question how there can be a looser association within the Commonwealth which would allow India to remain a member, even if it became a Republic. H.E. thinks that two points might be taken into consideration. First the abolition of the term "Dominion", and, secondly, the nomination by The King of an elected head of the State, whose title should preferably not be "President" or any Indian term which would immediately be translated as "President".

When your paper is ready we could perhaps consider it with H.E. at a Staff Meeting.

Yours sincerely,

G. E. B. ABELL

[1] See No. 256, item 7.

269

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Gandhi, Pandit Nehru and Sardar Patel

Mountbatten Papers. Viceroy's Interview No. 170(A)

29 July 1947, 10.30 am–11.45 am

I explained that I had called this meeting to consider Pandit Nehru's projected visit to Kashmir.[1] I recalled the history[2] of this affair from the time I arrived, and said that Pandit Nehru had from the very beginning repeatedly expressed to me his strong desire to visit Kashmir which I understood was based on the incidents[3] that occurred there during the visit of the Cabinet Mission last year. I expressed sincere sympathy with Pandit Nehru's mental distress at having been unable to keep his promise to visit his friends in Kashmir and endeavour to effect the release of Sheikh Abdulla.

I reminded the meeting that it had been agreed that Mr. Gandhi should visit Kashmir in place of Pandit Nehru if this was generally thought to be a better

[1] See No. 249.

[2] See correspondence ending with No. 260.

[3] See Vol. VII, Nos. 364 and 594; see also No. 4, note 3 of this volume.

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solution; and I took the full blame for having delayed this visit by offering to go myself to Kashmir. I repeated my regret at having been unable to discuss the release of Sheikh Abdulla with the Maharaja on the last day of my visit owing to His Highness's indisposition. I admitted having asked Mr. Gandhi to wait until the arrival of the Prime Minister of Kashmir, Pandit Kak. But I said I was at a loss to understand how, consequent on Pandit Kak's visit to both Mr. Gandhi and Pandit Nehru to ask neither of them to go, the result should have been that Pandit Nehru wished to go instead of Mr. Gandhi.

Whatever Pandit Nehru's personal emotions might be, I felt I should be failing in my duty if I did not point out that this was hardly the time for the Vice-President of the Interim Government and the Prime Minister of the Dominion Government which was to take over power in 17 days, to leave the capital on what really amounted to almost private business; at all events on a visit which it would be extremely difficult to explain away to world opinion.

I also pointed out that a visit by any Congress leaders could not fail to be badly received in the world press just at the time it was known that Kashmir had the choice of Pakistan or India before its Ruler; but that this effect would be somewhat mitigated if Mr. Gandhi went on account of the religious aura that surrounded him, whereas if Pandit Nehru went it would be regarded as a piece of straightforward political lobbying.

Mr. Gandhi agreed with what I had said, and stated that although at Mr. Kak's request he had agreed not to go, if I seriously regarded Pandit Nehru's proposed visit as objectionable, he would himself be prepared once more to take his place.

Sardar Patel gave it as his view that neither of them should go, but that in view of Pandit Nehru's great mental distress if his mission in Kashmir were to remain unfulfilled, he agreed that one of them must go. He very bluntly remarked: "It is a choice between two evils and I consider that Gandhiji's visit would be the lesser evil".

Pandit Nehru held forth at some length about his mental distress and defended his visit on the grounds that (a) nothing would be more natural than that Congress should send a high-level emissary to lay before the Government of Kashmir the advantages of joining the Dominion of India, and (b) that it was well known that he was over-worked; that he would like to go away for three or four days' rest somewhere in any case, and that Kashmir would be a delightful place in which to have a brief holiday. The fact that he might be engaged on local work would be a sufficient change of occupation to give him the necessary rest.

The rest of us each argued in turn with Pandit Nehru and finally Mr. Gandhi specifically renewed his offer to go provided Pandit Nehru would accept that offer, which he urged him to do since Sardar Patel and I, who were the two

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"outside" members of the party, were so strongly in favour of Gandhi's going.

Finally it was agreed that Mr. Gandhi should leave on the following night train *via* Rawalpindi and that I would send telegrams[4] to the Resident in Kashmir and the Governor of the Punjab.

M. OF B.
29.7.47

[4] For the telegram to the Resident at Kashmir, see No. 277. For the telegram to the Governor of the Punjab (No. 3021-S of 29 July), see R/3/1/94: f 47.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Nehru (Extract)

Mountbatten Papers. Viceroy's Interview No. 170 (B)

29 July 1947, 11.45 am–1 pm

* * *

7. I next referred to the unfortunate confusion over the Commander-in-Chief, and the reconstitution of the Government.[1] I assured him of my complete faith in Field Marshal Auchinleck's integrity. If proof were needed of his impartiality, it was to be found in the fact that the League, Congress and the Services Clubs in London, were all equally convinced that he was not adequately looking after the interests of Muslims, Hindus and the British element. I assured him that the Field Marshal had not read my order splitting the Government, and that the remarks recorded in the minutes were made in perfectly good faith, and in complete ignorance of what the new Government policy was. I told him the C-in-C was asking Sir Chandulal Trivedi to come up and visit him at the beginning of August, and I was sure that Trivedi would be able to convince him of the genuineness of the misunderstanding, and help to clear up the confusion.

* * *

[1] See Nos. 247 and 256, Item 2.

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271

Mr Griffin to Sir G. Abell

R/3/1/149: f 2

D.O. NO. F63-R(S)/46 POLITICAL DEPARTMENT,
NEW DELHI, *29 July 1947*

My dear Abell,
Please refer to your demi-official letter No. 1299/2 dated July 24, 1947.[1]

2. Disposal of the Political Department's records was discussed at His Excellency's meeting with the Party Leaders on June 13, 1947,[2] it was agreed—

(a) that the Political Adviser should apply to the Member for Education for the services of experts to assist in the weeding and sorting of the Crown Representative's Records; but that there should be no more destruction of these records until after the transfer of power; and

(b) that records which

(i) contained information regarding the private lives of Rulers and the internal affairs of States, or

(ii) had not been weeded to see whether they contained such information

should be handed over, on the transfer of power, to the United Kingdom High Commissioner.

3. In view of this decision it is not now possible for the Political Department to transfer any of their records to States. Residents have, however, been instructed to hand over to individual States such of the Residency records as they are likely to find of administrative value, and I understand that the Resident, Punjab States, is, in fact, transferring a number of such records to the Patiala Government.

4. The Maharaja was of course wrong when he spoke of records being "returned" to States. No one has taken away any records from them; indeed they must, in the normal course, have their counterparts of the correspondence portion of Political Department records with which they are concerned; and they have no more right to our records than we have to theirs.

Yours sincerely
C. L. GRIFFIN

[1] Requesting advice as to a reply which could be given in response to a request made by the Maharaja of Patiala that records in the Political Department of great interest to the States should be returned to them. R/3/1/149: f 91.

[2] Vol. XI, No. 175, pp. 325–6.

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272

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/157: f 239

IMMEDIATE *29 July 1947, 3.00 pm*
CONFIDENTIAL *Received: 29 July, 7.00 pm*

No. 197-G. Partition Committee has not yet made promised statement.[1] At today's meeting Daultana said he had prepared a draft which he would discuss today with Swaran Singh. Latter saw me after meeting and said that in view of Giyani Kartar Singh's statement[2] that Sikhs would not accept Boundary Commission's award unless they considered it just, he did not know what to to do. He could not oppose Giyani Kartar Singh who is President S. A. Dal. I replied that Sikhs were making themselves ridiculous and that having agreed to Commission and Baldev Singh having further agreed on their behalf to accept award[3] they could not now decently change their ground. Swaran Singh agreed but said that Giyani had gone to Delhi and he could not contact him. I advised Swaran Singh to get into touch with Baldev Singh immediately. In the meantime I suggest you ask Baldev Singh to put all possible pressure on Giyani to make statement accepting award. Nankana Sahib demonstration[4] seems to have fizzled out but Giyani intends to organise Sikh hartal on 5th August.[5]

[1] See No. 228, para. 11.
[2] No such statement by Giyani Kartar Singh has been traced but cf. Enclosure to No. 56 and Enclosure to No. 292.
[3] See No. 224. [4] See Nos. 214, 238 and 292, para. 3.
[5] In tel. 224-C of 30 July from Bengal to New Delhi, Mr Christie informed Sir G. Abell that the 'Viceroy would like Lord Ismay to contact Major Short and Baldev Singh immediately in order to bring pressure on Giyani to make the statement'. R/3/1/157: f 240.

273

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Ceremonies for, Part (2)

IMPORTANT NEW DELHI, *29 July 1947, 12.30 pm*
CONFIDENTIAL *Received: 29 July, 1.30 pm*

No. 3011-S. My 2971-S.[1] Oaths of Office. Nehru and Patel have now been consulted. They have no objection to the Oaths of Allegiance and Office being taken by me in the manner suggested by you.[2]

[1] No. 252. [2] See No. 215.

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2. As regards Governors neither Colville nor Nye will be required to take fresh Oaths.[3] For the rest Formula A in my immediately succeeding telegram[4] is proposed.

3. For Ministers Formula B in my immediately succeeding telegram is proposed.

4. Form of Oath of Secrecy can be as at present except that the following words at the end will be omitted "or as may be specially permitted by the Governor-General".

5. I agree that in the Oath for Ministers we need not specifically mention being faithful to His Majesty, etc. This is implied by faith and allegiance to the Constitution of India which includes His Majesty and this could be made clear in Press guidance. I am sure we should not force this issue which is not repeat not in my view a vital one.

6. I shall still have to agree the forms with Jinnah but I hope this will not present difficulty.

[3] Lord Mountbatten telegraphed as follows in tel. 664-GT of 14 August: 'Government of India have now requested that Governors of Bombay, Assam and Madras should take an oath of allegiance and office tomorrow Friday 15th August and instructions to this effect have been issued to them.' L/P &J/10/142: f 7.

[4] No. 274.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Ceremonies For, Part (2)

IMPORTANT — NEW DELHI, *29 July 1947, 12.30 pm*
CONFIDENTIAL — *Received: 29 July, 4.20 pm*

No. 3012. My immediately preceding telegram.[1]

Formula A. 'I.....do swear that in the office of.....I will be faithful and bear true allegiance to His Majesty King George VI, his heirs and successors and to the Constitution of India as by law established and that I will do right to all manner of people after the laws and usages of India without fear or favour, affection or ill will. So help me God.'

Formula B. 'I.....do swear that in the office of.....I will bear true faith and allegiance to the Constitution of India as by law established and that I will do right to all manner of people after the laws and usages of India without fear or favour, affection or ill will. So help me God.'

[1] No. 273.

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The Earl of Listowel to Mr Attlee

L/P&S/13/1848: ff 133–4

INDIA OFFICE, *29 July 1947*

Secretary of State's Minute: Serial No. 134/47

Prime Minister,

You will have seen the report of the Viceroy's Speech to the Conference of Rulers and Representatives of Indian States on 25th July[1] which has already been circulated as I.B.(N) (47) 22[2] (copy attached for convenience of reference). The speech contained two points which appear to me to be not altogether consistent with what was said on the subject of the States in Parliament,[3] and it seems to me desirable to draw the Viceroy's attention to these inconsistencies so that in any further discussions he may have with States' representatives he may avoid emphasising these points further.

It has to be remembered that in his discussions with States' representatives the Viceroy is acting as a mediator in his personal capacity and not on the advice of his Ministers either in form or fact. We are therefore answerable in a special way for what he may do and it would seem advisable to warn him of the dangers, particularly in view of the importance which the Opposition attaches to no pressure being put upon the Princes *by us*.[4]

If you agree, I would propose to send the Viceroy the telegram of which a draft[5] is attached.

LISTOWEL

[1] No. 234. [2] Not printed. [3] See No. 262. [4] Emphasis in original.
[5] Not printed. The draft telegram attached to this minute was the same as the telegram (No. 307) as issued. On 31 July Mr Attlee minuted: 'I approve your telegram'. L/P&S/13/1848: f 132.

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Meeting of the Provisional Joint Defence, Case Nos. J.D.C. 9/2/47, 11/2/47

Mountbatten Papers. Provisional Joint Defence Council Ministers

SECRET

Those present at this Meeting on 29 July 1947 at 5 pm were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Sardar Baldev Singh, Field Marshal Sir C. Auchinleck, Mr Christie, Mr H. M. Patel, Mr Mohamad Ali, Brigadier Elliott, Mr Osman Ali, Lieutenant-Colonel Erskine Crum

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Case No. J. D.C. 9/2/47 Position of British Troops after 15th August.[1]
His Excellency said that it had been agreed that British troops remaining in India after 14th August would have no operational responsibility, and he had been considering the best method to let that fact be known. It was agreed that His Excellency should suggest to H.M.G. that a question be asked in Parliament and a suitable reply given; failing that a statement would be issued in this country.

Case No. J. D.C. 11/2/47 Situation on the Punjab Frontier
His Excellency circulated a note[2] showing information he had received as to the possibility of trouble in the boundary areas of the Punjab as a consequence of partition. He explained that the information had been supplied before the ban was placed by the Governor of the Punjab on Sikhs attending the meeting at Nankana Sahib.[3]

The Commander-in-Chief explained that General Rees' force would be in position by 1st August. He said that attempts were always being made to subvert troops, but that he had no recent information that these had been any more successful than in the past.

It was suggested that the imposition of the ban by the Governor of the Punjab had accentuated the trouble, and that while it was wise to take precautionary measures, undue repression very often aggravated the trouble it was designed to suppress.

His Excellency pointed out that in imposing the ban the Governor of the Punjab had had to take into consideration the very large number of Sikhs who proposed to attend the meeting. He had felt that the presence of very large crowds might cause trouble to break out spontaneously and that the imposition of the ban had in fact reduced the trouble that would otherwise have had to be faced.

His Excellency emphasized that there were British officers present with practically every unit of General Rees' force, and he considered that they were the best safeguard not only against attempts to subvert the troops, but also in restraining the troops of the two Dominions from fighting against each other since under no circumstances could British officers be ranged on opposite sides.

[1] See No. 256, item 3. [2] No. 250. [3] See Nos. 214, 238 and 292, para. 3.

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Rear-Admiral Viscount Mountbatten of Burma to the Resident at Kashmir

Telegram, R/3/1/94: f 48

MOST IMMEDIATE *29 July 1947, 6.45 pm*
CONFIDENTIAL

No. 3020–S. Please inform H.H. that with the greatest difficulty I have succeeded in persuading Nehru to stand down in favour of Gandhi, but nothing would induce them to forgo a visit by one or the other of them to Kashmir in the immediate future.[1] Gandhi leaves Delhi night train Wednesday 30th, via Rawalpindi 31st, due Srinagar by car afternoon Friday 1st.

2. Nehru is arranging for Gandhi to stay with friends privately.

3. Gandhi wishes to give Maharaja assurance that he adheres to original undertaking to hold no public meetings, not even prayer meetings, and to make no political speeches.

4. Properly handled the visit of Gandhi should not give rise to any serious trouble.

5. I should like you to send me brief daily reports during visit.

[1] See No. 269.

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Minutes of the Viceroy's Twenty Third Miscellaneous Meeting

Mountbatten Papers

SECRET

Those present at this Meeting held at the Viceroy's House, New Delhi, on 29 July 1947 at 6.30 pm were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Lieutenant-General Sir R. Lockhart, Lieutenant-Colonel Erskine Crum

SIR ROB LOCKHART stated that, when first he had arrived to assume the Governorship of the North West Frontier Province, he had asked the members of the existing Ministry whether they could, in any circumstances, see their way to agreeing to vote for Pakistan, as they admitted that it was out of the question for the North West Frontier Province to join Hindustan—and also, surely, in their heart of hearts, admitted that an independent Pathanistan was

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impossible. The Ministers had made both these admissions; but had stated that they would never accept joining Pakistan as such. He had then seen Dr. Khan Sahib separately, and asked him what he would do if the referendum went against him. Dr. Khan Sahib had said that he would resign if there was 30% vote for Pakistan. Later, however, complaints against the conduct of the referendum had begun; Dr. Khan Sahib had claimed that it was being run in an improper manner, had changed his position, and had declared that he would not resign. SIR ROB LOCKHART said that he had then tackled Dr. Khan Sahib privately, but the latter had held his position and claimed that the referendum result would not be a fundamental issue. Dr. Khan Sahib had stated that he saw no reason why he should resign, because he had a majority in the Legislative Assembly and was convinced that he still enjoyed the support of the majority of the electorate. He (Sir Robert Lockhart) had pointed out that the referendum was surely no more improperly run than the election which had put the Congress party in power; and with this Dr. Khan had agreed!

SIR ROBERT LOCKHART said that he had then considered what recommendation for the future Government of the Province to make to the Viceroy.[1] He had first thought of some form of Coalition Ministry for the interim period. But neither the present Ministry nor the local Muslim League leaders considered that this was practicable, although Dr. Khan Sahib personally thought that it could be done although he himself would take no part. Another course might be for the present Ministry to continue until 15th August. But this did not seem fair to the future Government of Pakistan. Another possibility was to dissolve the Legislative Assembly. A still further one was to dismiss the present Ministry and to form a Ministry of the Muslim League minority—but, if the Legislative Assembly met, such a Ministry would be in a minority in the House. Furthermore, the local leaders were not particularly keen on this course. The last course open was Government in Section 93. The only point in favour of this course was that it would be the least offensive to either party at the present time. But the great disadvantage was that there would be no one to carry on the Government when 15th August came.

HIS EXCELLENCY said that he personally was violently opposed[2] to Government by Section 93 as it would be interpreted by the public as the last act of the British to introduce direct rule.

SIR ROB LOCKHART said that he had later seen Dr. Khan Sahib again and the latter had still adhered to his decision not to resign.[3] He (Sir Rob Lockhart) had asked Dr. Khan Sahib on what terms he might consider resigning. Dr. Khan Sahib had suggested that the Legislative Assembly should be dissolved and fresh elections ordered. But he had agreed that this was impossible before 15th August, and that new elections would have to be held under the new Constitution and the new Electoral role. Dr. Khan Sahib had thought that this could be done within three to four months. SIR ROB LOCKHART said that

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finally he had pointed out to Dr. Khan Sahib that it was in his own interests to resign; and thus the position had been left when he had come away. He had asked Dr. Khan Sahib what the Congress party would do if the present Ministry was dismissed. Dr. Khan Sahib had left no doubt in his mind that it was intended to stage a movement of some sort.[4] He had personally given an assurance that he would himself do his best to ensure that this was non-violent. SIR ROB LOCKHART added that he understood that, if the Assembly was dissolved, the existing Ministry would have to carry on.

THE VICEROY asked whether it was considered that there was any possibility of those members of the Legislative Assembly who had up to now supported the present Ministry, changing sides.

SIR ROB LOCKHART said that it was very difficult to get definite information on this point; but so far as he could gather, few members of the Legislative Assembly had declared this intention.

MR. LIAQUAT ALI KHAN said that he considered it quite possible that non-Muslim members, now that they knew that Pakistan had been established, would feel that they must look to the Muslim League, and might cease to support Congress.

MR JINNAH said that he agreed with this, but he considered that it was necessary to plan on the assumption that Dr. Khan Sahib would continue to enjoy the support of the majority of the Legislative Assembly. He pointed out that there had been precedents, for example in Bombay and the Punjab, for calling on minority parties to form Ministries. He agreed that the Legislative Assembly should not be summoned. He further agreed that Section 93 Government should be avoided. He gave his opinion that the North West Frontier Province had given a "thumping" verdict of 'No confidence' in the present Ministry.[5] MR. JINNAH went on to say that he considered Dr. Khan Sahib was acting in a manner which made it clear that he was unfit to be a Prime Minister. No decent man would, in such circumstances, refuse to resign. MR. JINNAH said that in his view the only practicable course now was again to ask Dr. Khan Sahib to resign; and, if he refused, to dismiss him and to form an Interim Ministry of the next largest party (the Muslim League). MR. JINNAH suggested that a Ministry of three should be formed to begin with. Possibly later the fourth place might be offered to the Hindus. He gave his opinion that the Hindus would be the first to support such a new Ministry.

MR. JINNAH said that he did not consider that it would be desirable to dissolve the Legislative Assembly. It was not necessary that this Assembly should be called together until the Budget Session in March 1948. He did not consider it necessary that it should be called in order to choose a successor to Maulana Abul Kalam Azad, who had resigned from membership of the

[1] See Nos. 45 and 188. [2] See Nos. 82 and 101. [3] See No. 211. [4] See *ibid.*
[5] Presumably a reference to the result of the referendum; see No. 187.

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Constituent Assembly.[6] He went on to say that, in the rules which would be framed on 10th August for the Pakistan Constituent Assembly, there would be provision to the effect that if a member did not attend two consecutive meetings he would, *ipso facto*, be expelled unless he had special reasons to be excused.

THE VICEROY said that, in his opinion, it would be psychologically ideal to give warning to both sides of this intention now, but not to take the step until 15th August. He enquired whether, if such a course was chosen, the present Government could do much harm to the future of the Province in Pakistan.

SIR ROB LOCKHART replied that he did not consider that they could do a great deal of harm. Financially, the North West Frontier Province was in a poor way, and there was no more to spend. There might, however, be interference in the posting of officials. THE VICEROY suggested that a Standstill Order might be enforced on this aspect.

SIR ROB LOCKHART went on to say that he considered that, if warning of the intention to dismiss the Ministry was given, the Congress party would have more time to plan and prepare a movement. Therefore, he considered it desirable that, if a change were to be made, it should be made as soon as possible.

MR. LIAQUAT ALI KHAN said that he also considered that a new Ministry should be formed as soon as possible. It would then have time to get hold of the machinery properly, particularly in view of the danger of trouble in the tribal areas, where the machinery of Government could be used for propaganda purposes. MR. JINNAH said that he considered that every day that passed made the situation more dangerous. He could provide no definite proof of the intentions of the tribes; but was receiving daily reports of agents stirring up trouble in the tribal areas and even of terrorization in the Province itself. For example, 6,000 arms licences had been issued during the last few weeks.

THE VICEROY said that it was his desire to legalise the position as much as possible. He suggested that there should be a meeting of the Members of the Pakistan Executive Council, and that, at this meeting, instructions for him to send the Governor should be drawn up. These should preferably be in the form of an Order-in-Council.

THE VICEROY said that the situation with regard to choosing a successor for Maulana Abul Kalam Azad might also be considered at his meeting with the Pakistan Executive Council.

THE VICEROY also emphasised the necessity for making a clear statement on the decision which would be reached at the Pakistan Executive Council Meeting. It was decided:—

That there should be a Meeting of the Pakistan Executive Council at 10 a.m. on Friday, 1st August; and that Mr. Liaquat Ali Khan should arrange

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for papers to be prepared for this meeting, in co-operation with Mr. Mohd. Ali and Sir George Spence on—

(a) the form of instructions which the Viceroy should issue to the Governor of the North West Frontier Province on the future Government of that Province,

(b) the problem arising from the resignation of Maulana Abul Kalam Azad as a member of the Constituent Assembly.[7]

[6] Maulana Abul Kalam Azad resigned his membership of the India Constituent Assembly on 21 July.
[7] On the related issue of the summoning of the Pakistan Constituent Assembly Mr Sundaram, in his letter of 1 August to Sir G. Abell, explained that a formal summoning by Lord Mountbatten was not required from a purely legal or constitutional point of view. The Assembly had been duly constituted by virtue of Mountbatten's announcement (published on 26 July) giving the names of the members. R/3/1/168: f 26.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Jinnah and Mr Liaquat Ali Khan (Extract)[1]

Mountbatten Papers. Viceroy's Interview No. 172

29 July 1947, 7.00 pm

* * *

4. BIHAR

THE VICEROY asked Mr. Jinnah whether he would agree to request the local Muslim League Leaders in Bihar to withdraw their demand for an enquiry into the riots[2] which had taken place there.[3] MR. JINNAH said that it would be very difficult for him to make such a request at this stage. However, he considered that the situation would be radically changed by the setting-up of two new Dominions on 15th August, and assumed that the issue would probably lapse.

After further discussion it was agreed that the Viceroy would take no action towards answering the letter[4] which he had received from the Governor of Bihar on this subject, and that the whole question would be left in the air.

5. ARBITRAL TRIBUNAL

MR. JINNAH stated that he was in close touch with Sir Patrick Spens concerning the rendition of the name of a Muslim representative for the Arbitral Tribunal. He had already decided on a nominee and would send the name in to Sir Patrick Spens shortly.

[1] Lieutenant-Colonel Erskine Crum was also present at this interview and dictated the record.
[2] See Vol. IX, No. 77. [3] See No. 34. [4] cf. *ibid.*, note 2.

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6. AMNESTY TO BE DECLARED ON 15TH AUGUST

THE VICEROY suggested that he should go into the question of the declaration of an amnesty on 15th August, on behalf of both future Dominions. He emphasised the desirability of both Dominions acting 'in step' on this matter. He said that it was proposed to release the ex-I.N.A. prisoners as part of this amnesty. He emphasised the undesirability of publicity in this connection.

MR. JINNAH signified thorough agreement; and THE VICEROY undertook to send Mr. Jinnah particulars when he had further considered the matter.

7. FLAGS

MR. LIAQUAT ALI KHAN produced, out of his brief case, a revised design for the flag of the Pakistan Dominion. This was similar to the Muslim League flag except that the quarter nearest the flagpole was white instead of dark green. There was unanimous approbation of this design. THE VICEROY said that it had been suggested that the flags of Governors in Pakistan should be on a deep green background.[5] MR. JINNAH agreed with this suggestion.

MR. JINNAH also agreed that the armlets for members of the Personal Staff of Governors in Pakistan, should be deep green.

MR. JINNAH said that he had decided to agree to the design for the Governor-General's flag,[6] which had been put forward. He made it clear that his reason for not having made this decision previously had arisen from fear that the Dominion of India would change the design at the earliest possible moment. THE VICEROY undertook to inform M. Jinnah privately, in advance, if there was any evidence that the Dominion of India had any such intention.

[5] See No. 261 and its note 5. [6] See Appendix 'C' to No. 243.

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The Resident at Kashmir to Sir G. Abell

Telegram, R/3/1/94: f 49

MOST IMMEDIATE *29 July 1947, 10.00 pm*
CONFIDENTIAL *Received: 30 July, 1.45 am*

No. 73. Viceroy's telegram No. 2989–S of July 28th.[1] Have conveyed His Excellency's message. His Highness says visit of either Gandhi or Nehru not only most inadvisable at this stage but most dangerous in potentialities from point of view even of India as a whole. There is no ban on entry into the state but it must be remembered that all public gatherings, processions etc. are

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banned in the interest of public peace. Kashmir Government will do their best to prevent untoward incidents during visit if it cannot be avoided but are not prepared to give any guarantee in this behalf.[2] As for declaration regarding adherence to a Dominion His Highness says no decision has been arrived as yet.

[1] No. 260.

[2] Following the decision that Mr Gandhi should visit Kashmir instead of Pandit Nehru (see Nos. 269, and 277) Sir G. Abell, in tel. 3050-S of 30 July, asked Lieutenant-Colonel Webb to 'emphasise to Kashmir Government that Viceroy hopes every possible precaution will be taken to ensure that there are no untoward incidents' which the Viceroy thought it should be possible to prevent. Webb telegraphed on 31 July that 'Prime Minister assures me that every possible repeat possible precaution is being taken'. In subsequent telegrams he reported that Gandhi had seen Pandit Kak on 2 and 3 August and the Maharaja on 3 August, and that he was to see the Begum Abdulla during the evening of 3 August. In tel. 83 of 4 August, Webb reported that Gandhi had reached Jammu safely and was to leave for Sialkot early the next day. R/3/1/94: ff 53–7. Gandhi sent Nehru a report of his visit to Kashmir in which he referred to his talks with Pandit Kak and the Maharaja. Extracts from the report are quoted in Pyarelal, *Mahatma Gandhi: the Last Phase*, Volume II, Amhedabad, 1958, pp. 357–8.

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Mr Symon to Mr V. P. Menon

L/P&S/13/1837: ff 28–9

OFFICE OF THE HIGH COMMISSIONER FOR THE UNITED KINGDOM, 6 ALBUQUERQUE ROAD, NEW DELHI, *30 July 1947*

Thank you for your letter of the 26th July[1] about the employment of ex-Political Department officers under the High Commission.

2. I have discussed this with the High Commissioner who has asked me to say that he feels sure you will appreciate that we have had great difficulty in filling the posts required for the two High Commissions in India and Pakistan, and that it would not have been possible to do this without having recourse to the Political Service as well as the Indian Civil Service. Nor would it have been fair on the men from the Political Service who have now opted for and accepted employment under His Majesty's Government in the United Kingdom, to have left them out of the running.

3. At the same time, in choosing officers from the Indian Services of whatever kind, Sir Terence Shone has always been mindful of the undertaking which he gave both to Mr. Nehru and Sardar Patel when he first told them of the intention to recruit men from those Services, that he would do his utmost to ensure that none were taken or employed on work in a manner likely to raise difficulties with the Indian authorities. All men selected for

[1] No. 244.

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employment under the High Commission have been chosen with great care, having regard to their records and after personal interviews. They will also be posted with the same care which, after all, is just as essential from the point of view of the High Commission, in the interests of the friendly relations which it is our particular desire to maintain with the Indian authorities.

4. As regards the High Commission for the United Kingdom in India, we have already made arrangements to employ three officers from the Political Service, namely, Messrs. Shattock, Ramsay, and Crawley. It is understood that the latter has only had a very short period of service with the Political Department.

5. It is our present intention to employ Mr. Shattock in Delhi, Mr. Ramsay in Calcutta and Mr. Crawley in Madras.

6. The High Commissioner has authorised me to convey to you an assurance that there is no intention to use these officers to influence the Indian States or to maintain direct relations with them. You may rest assured that in this, as in other matters, the High Commissioner and his staff will continue to respect the sentiments of the Government of India to which you refer in your letter; and Sir Terence Shone, who is anxious to ensure that there are no grounds for any complaint on the part of the Government of India in respect of the employment of ex-officers of the Indian Services in the High Commission under his direction, is confident that the employment of these officers will not give rise to any such complaints.

C. B. SYMON

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Mr. V. P. Menon to Mr Symon

L/P&S/13/1837: f 30

STATES DEPARTMENT, NEW DELHI, *30 July 1947*

My dear Symon,

Many thanks for your letter of the 30th July[1] which I have shown to my Hon'ble Member. He is quite satisfied with the assurance you have given in para. 6 of your letter.

Yours sincerely,

V. P. MENON

[1] No. 281.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/82: f 109

IMMEDIATE NEW DELHI, *30 July 1947, 1.30 am*
CONFIDENTIAL *Received: 30 July, 00.05 am*

No. 3039–S. In continuation of my telegram 2977–S dated 27th July.[1] Role of British forces. We discussed this in provisional Joint Defence Council this evening.[2] The Council agreed that a statement should be made, and preferred that it should be made by means of a question and answer in Parliament. This would have the advantage of appearing more spontaneous and therefore would be less likely to cause alarm than a deliberate announcement by the Government.

2. Suggested question and answer might be as follows:—

Begins. Question. To ask the Secretary of State what will be the role of British forces who remain in India after 15th August during the next few months before they are finally withdrawn. Answer. The Hon'ble Member presumably has in mind the possibility that British troops may be used for maintaining law and order. The position is that British troops will not be available to intervene in internal disorder and will have in fact no operational responsibility whatever. *Ends.*

3. If you see any difficulty about the question and answer method I will have a short announcement made here.

4. Partition Council has accepted that there will not be any RAF Squadrons available for operational use.

[1] This telegram referred to No. 169 and continued: 'Question has now been raised whether Royal Air Force would be used if necessary to deal with tribal raids on frontier. Until this is settled no public statement about use of British forces can be made.' L/WS/1/1092: f 213.

[2] See No. 276, Case No. J. D.C. 9/2/47.

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The Maharaja of Travancore to Rear-Admiral Viscount Mountbatten of Burma[1]

R/3/1/144: ff 69–70

PALACE, TRIVANDRUM, *30 July 1947*

Your Excellency,

Your Excellency's letter of the 22nd July[2] has been handed over to me by Sir C. P. Ramaswami Aiyar. He has also told me of the discussions he has had with Your Excellency.[3] I have perused the letter with the full realisation that Your Excellency has paid as much regard as possible to the history and traditions of this State, to the complete maintenance of its internal autonomy and to the need for trade, fiscal and commercial relations with the whole world which are the basic needs of this maritime State and are essential for its survival as an effective economic unit.

Having regard to the assurances conveyed by Your Excellency, I have decided, though not without hesitation, to take this step of accession to the Dominion of India subject to the conditions adverted to in your letter.

Your Excellency, of course, realises that the States have been given the option of reconsideration of the position when the final Constitution of the Dominion is formulated.

I am,
Your Excellency's sincerely,
RAMA VARMA

[1] The Maharaja had also sent Lord Mountbatten a telegram, dated 30 July, as follows: 'I have posted by air mail reply to Your Excellency's letter of twenty second in general confirmation of terms discussed with my Dewan', to which Lord Mountbatten replied in tel. 3070–S of 1 August: 'Many thanks for Your Highness's telegram. I am delighted that you are coming in.' R/3/1/144: ff 67, 71.

[2] No. 203. [3] See No. 228, paras. 16–19.

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Sir G. Abell to the Maharaja of Patiala

R/3/1/49: ff 93

No. 1299/2 *30 July 1947*

My dear Maharaja Sahib,

Your Highness will remember that at a recent interview[1] with H.E. the Viceroy you mentioned the question of Political Department records.[2] You suggested that there must be records with the Political Department or in the Residencies which would be of value to the States concerned.

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H.E. asks me to let you know that the Residents have been instructed to hand over to individual States such of the Residency records as they are likely to find of administrative value and I understand that the Resident, Punjab States, is in fact transferring a number of such records to the Patiala Government.

Yours sincerely,
G. E. B. ABELL

[1] Not traced. [2] See No. 271 and its note 1.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, R/3/1/171: f 44

CONFIDENTIAL *30 July 1947, 2.00 pm*
BY HAND OF PILOT

No. 3041-S. Partition Council have been discussing precautionary action to prevent disturbances in the neighbourhood of the boundaries between the two Dominions before and after 15th August.[1] After some discussion about the powers of the Central Government in this respect, it was decided that I should ask you to cover the period up to 15th August by declaring under your Punjab Legislation the districts likely to be affected on either side of the boundary, to be "disturbed areas", as from 1st August.

2. To meet the situation which might arise after 15th August, it was decided that, instead of getting the Governments of East Punjab and West Punjab to make similar declarations on that date, an order should be kept ready for publication in the Central Gazettes of India and Pakistan, directing Governments of East Punjab and West Punjab respectively to refrain from rescinding your declaration referred to above, save with the concurrence of the Central Government of India or of Pakistan.

3. I should be glad if you would now take the action indicated in paragraph 1 above.

[1] This issue had in fact been discussed by the Provisional Joint Defence Council at its meeting (Case No. J. D.C. 18/2/47) on 29 July. The decisions reached corresponded with those referred to in the above telegram. Mountbatten Papers, Provisional Joint Defence Council Minutes.

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Minutes of Viceroy's Twenty Fourth Miscellaneous Meeting[1]

Mountbatten Papers

SECRET

Those present at this Meeting held at Government House, Bengal, on 30 July 1947 at 3 pm were: Rear-Admiral Viscount Mountbatten of Burma, Sir F. Burrows, Mr H. S. Suhrawardy, Mr Nazimuddin, Mr D. N. Mukherjee, Mr N. R. Sarker, Mr N. M. Khan, Mr S. N. Ray.

Also present were: Mr Tyson, Mr Christie, Lieutenant-Colonel Erskine Crum

THE VICEROY'S OPENING REMARKS

HIS EXCELLENCY THE VICEROY explained that the object of the meeting was that he should give any help in his power towards the solution of problems which had arisen in the Council. He might be able to give advice based on decisions which had been reached elsewhere; or take back to Delhi for consideration by the Central Partition Council any points of particular difficulty. He said that he understood from the Governor that the Bengal Separation Council was a most friendly and competent body.

SIR FREDERICK BURROWS confirmed this. He stated that the three major issues on which no agreement had yet been reached were those of which the Viceroy had been informed by telegram. Apart from these, there might be other points which individual members wished to raise.

THE ARBITRAL TRIBUNAL

THE VICEROY stated that the Arbitral Tribunal, of which Sir Patrick Spens would be chairman, was on the point of being set up. This body, which would have as members one Hindu and one Muslim judge, would be available to settle problems for the whole of India. The aim and object of the Central Partition Council, however, was to avoid referring matters to the Arbitral Tribunal whenever possible, and whenever a common-sense solution could be found.

THE CONTINUATION OF THE PARTITION COUNCIL AFTER 15TH AUGUST

THE VICEROY explained that, in view of the fact that the processes of setting up the two new Dominions were being rushed through by 15th August, and it was obviously impossible to get all details of partition settled by then, it had been decided that there should be a definite period, until 31st March, 1948, for the completion of partition. By this date it was hoped to complete the reconstitution of the Armed Forces; and on it the special powers of the Governor-General, under Section 9 of the Indian Independence Bill, would

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disappear. It was intended, at the Centre, to retain a Partition Council for this period—although the membership of this body would be different from that of the present Council, as neither Governor-General would participate. THE VICEROY suggested that it would be of great advantage if a similar arrangement were made for the continuation of the Separation Council in Bengal.

INTERNAL SECURITY

THE VICEROY outlined the system of joint command which both future Dominion Governments had decided to set up in the Punjab.[2] He expressed a hope that it would not be necessary to introduce a similar system in Bengal.

MR. SUHRAWARDY stated that there was considerable apprehension among the people of Calcutta.[3]

MR. NAZIMUDDIN pointed out that the whole work of separation would be jeopardized if there were serious disturbances—particularly the move of the East Bengal Government from Calcutta to Dacca, which was due to take place in the last seven days before 15th August.

SIR FREDERICK BURROWS suggested, and it was agreed, that questions of internal security should, nevertheless, more properly be discussed in detail in Cabinet than at the present meeting.

THE INCLUSION OF ROADS, ETC., AMONG ASSETS TO BE DIVIDED

It was stated that the first major issue on which there was a serious difference of opinion in the Council was whether roads and road bridges, certain forests, and rivers should be included among "assets".

MR. RAY said that he understood that roads were not so included by the Central Partition Council.

MR. SUHRAWARDY put forward the point that the revenues of the whole Province had been used on improving roads; money was moreover continually being spent on upkeep. His suggestion was that natural assets, such as minerals, should not be divided; but that assets on which the Government had spent money should. Rivers, however, had had a negligible amount spent on them, and should be excluded from this arrangement.

It was stated by MR. SARKER that there were 1,200 miles of roads in Western Bengal, and 600 miles in Eastern Bengal.

[1] At a meeting of the Partition Council on 24 July Lord Mountbatten announced his intention to visit Bengal on 29 July to meet the Provincial Separation Committee and explained that he would have a telegram sent to the Governor of Bengal (No. 2924-S of 24 July) asking whether there were any specific points which he or the Separation Committee wished to raise during the visit. In tels. 220-C and 222-C of 25 and 26 July respectively, Mr Tyson indicated that it was not possible to ascertain the views of the Separation Committee as some of its members were in Delhi but furnished a list of points on which there were serious differences of opinion. Mountbatten raised these points at a meeting of the Partition Council on 29 July prior to his departure for Bengal and directed Lieutenant-Colonel Erskine Crum to ascertain from the Steering Committee such information as they had on them. Mountbatten Papers, Official Correspondence. Files: Bengal, Partition of, Part II (b).

[2] See minuting ending with No. 205, Case No. P.C. 74/8/47.

[3] cf. Nos. 138, 161, 193 and 194.

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THE VICEROY explained that the principle on which the Central Partition Council was working was that only moveable assets were being divided. In the case of railways, for example, the stock was to be divided, on the principle of train mileage in each Dominion. One problem which had not yet been decided was the division of manufacturing plant—for example, there was only one factory which produced gun carriages. His suggestion was that, for the partition period at any rate, this should be made common to both Dominions. The same principle might apply to certain institutions, particularly those connected with research work.

THE VICEROY stated that he understood that, in the Punjab, roads and canals were more or less equally situated in each half of the Province. Therefore, it was to be realised that this particular problem was peculiar to Bengal. In his view, it should be left until all the other issues connected with partition were decided.

ELECTRICAL FITTINGS, TYPEWRITERS, ETC.

It was explained that the second major issue on which agreement had not been reached was whether, in the case of divisible assets, the party in whose region the assets would fall on partition had the right to retain a sufficient share to satisfy its own requirements before making over all or part of the surplus only to the other party, with or without further financial adjustment; or whether divisible assets should be shared equally or in some proportion to be decided upon so that both new administrations might have something to start off with, even if both were thereby a little short until new purchases could be made. This matter had come up in connection with certain electrical fittings, but had also produced a deadlock in connection with typewriters and was likely to prove a source of fundamental difference of approach.

THE VICEROY said that he understood that the Central Partition Council had decided that typewriters, for example, should be divided *pro rata*, based on the genuine requirements of the two new Governments.

MR. RAY and MR. KHAN stated that the particular problem of typewriters, and that of furniture, had been settled.

SIR FREDERICK BURROWS explained that it was the general principle on which a decision was required. The Government of West Bengal desired to retain whatever was considered necessary to avoid impairing their efficiency.

MR. SUHRAWARDY said that the allocation of printing presses presented the greatest problem. There was no Government press in East Bengal. In West Bengal, besides a Government of India press and small presses at Government House and in Darjeeling, there were two Provincial Government presses, one in a jail. He considered that the linotypes of these two should be divided.

THE VICEROY stated that this same problem had arisen at the Centre, and had taken a long time to resolve. The disadvantages of splitting printing presses,

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which would reduce their efficiency more than in proportion, which would take a considerable time in which the parts to be moved were out of action, and which would probably result in damage to these parts, had been realised. He had eventually proposed, and it had been agreed, that the existing presses should be retained by the Government of India but should be made available to work for Pakistan on a *pro rata* basis. An order had been placed in the United Kingdom for the provision of new presses for Pakistan on a high priority. There would be a fair division of the payment for these. In the meanwhile, the existing presses would engage extra operators and would work double shifts. Perhaps a similar arrangement might be applied to Bengal.

MR. SUHRAWARDY pointed out that, if the Pakistan Government was to have top priority for the new presses being produced, there might be considerable delay before any arrived for East Bengal.

THE VICEROY offered to telegraph to the Secretary of State asking for priority to be accorded to the provision of a press for East Bengal also. It was agreed that the Governor of Bengal should inform the Viceroy of details of what was required. SIR FREDERICK BURROWS offered also to take the matter up with the Trades Union leaders concerned, on his return to England.

MR. SUHRAWARDY expressed himself satisfied with this arrangement. He stated that 400 employees of the Government press had opted for Eastern Pakistan; but THE VICEROY pointed out that there could be no objection to these men continuing to work in Calcutta until the new press arrived.

THE VICEROY emphasized the necessity for a written agreement on these arrangements to be made. They would work well if both sides would play fair.

MR. SUHRAWARDY then raised the question of motor repairing workshops. Of three in Western Bengal, one belonged to the Government of India, and the other two to the Government of Bengal. All worked on Government vehicles. There was also any number of other vehicle workshops in Western Bengal, but none at all in Eastern Bengal.

THE VICEROY gave his opinion that, when Government vehicles were split, the means of maintaining them should be split also. All these transactions should be live, and not only paper ones.

MR. SUHRAWARDY said that there was an ice-plant in Calcutta, for which eight Diesel engines had been supplied, but which could run equally well on the central electricity supply. There was no such supply in Eastern Bengal, which was therefore claiming the Diesel engines.

THE VICEROY expressed the hope that there would be a "give and take" attitude on both sides in matters such as this. But it seemed to him that the Separation Council was doing the work of its sub-Committees. Problems of this nature should very rarely come up to the Council.

SIR FREDERICK BURROWS gave his opinion that the sub-Committees had in fact done their work well.

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MR. RAY and MR. KHAN indicated agreement with the lines on which the Viceroy had spoken. MR. RAY stated that Mr. Suhrawardy had claimed that there should be "equality of sacrifice". The West Bengal opinion was that it would be better to have one party capable of "carrying the other on its back" rather than "two lame legs".

THE VICEROY said that he considered that everyone should rather work on the long-term aspect. He did not subscribe to such catch-words as "equality of sacrifice"; but rather to "equality of common good".

METHOD OF ASSESSING PRESENT VALUE OF GOVERNMENT BUILDINGS AND LANDS

SIR FREDERICK BURROWS explained that the problem here was whether Government buildings and lands were to be assessed at book value, market value or municipal value. Opposite views were held on this by either party.

MR. RAY stated that this matter had not yet been fully considered on a lower level and had not officially come up before the Separation Council.

THE VICEROY said that, if the problem could not be settled locally, it might well have eventually to go before the Arbitral Tribunal.

MONEY FOR EAST BENGAL

MR. SUHRAWARDY stated that the future Government of East Bengal wanted 25 lakhs to purchase building materials for Dacca and for pay and travelling allowances for employees who were going to move there. This sum had originally been allotted. But the allocation had now been withdrawn and only 5 lakhs had been made available.

MR. RAY explained that the reason for this was a genuine shortage of cash. He added that the matter had never come up before the Separation Council.

THE VICEROY said that it seemed to him that it would be essential for money to be provided somehow to enable the East Bengal Government to move. All were agreed that the money must be found, and it was only a question of ways and means of how to produce it.

SIR FREDERICK BURROWS said that this matter was to be considered at the next Cabinet meeting, and it was hoped that it would be resolved there.

BUILDING MATERIALS

MR. SUHRAWARDY said that much difficulty was being experienced in obtaining cement and other building materials for Dacca.

THE VICEROY said that this appeared to be a question of the over-all allocation to the Province. He offered to take the matter up in Delhi.

FOOD

MR. SUHRAWARDY said that the food problem in East Bengal was critical. All imports passed through Calcutta, and he understood that the Government of West Bengal intended to make allocations in accordance with the offtake

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which had hitherto obtained. If this was done, rather than an allocation according to requirements, East Bengal would starve. The requirements of West Bengal were static. Those of East Bengal were growing, owing to the time of the year. The prices in East Bengal were almost three times as much as those in West Bengal, and higher than anywhere else in India.

SIR FREDERICK BURROWS said that this matter was due to come up before the Cabinet that week.

THE VICEROY emphasized the extreme gravity of the food situation not only in India but throughout the world. He suggested that Mr. Suhrawardy should contact the Food Member of the Pakistan Government. Western Pakistan was one of the only surplus areas in the Far East. But the question must be looked at fairly in Bengal itself.

THE POSTING OF OFFICIALS

It was explained that Government servants in Bengal were only being given one opportunity to decide in which of the two new Provinces they wished to serve.

THE VICEROY explained that, at the Centre, a scheme had been devised whereby each person was given a preliminary choice now, and would be asked to make a firm decision after six months. At present feelings were running so high that everyone, if the choice he made had to be final, would opt for the Dominion in which his community had a majority. It was agreed that a similar scheme might with advantage be introduced in Bengal; and that the Steering Committee should examine this in detail.

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Resident for the Madras States to Sir G. Abell

Telegram, Mountbatten Papers. Official Correspondence Files: Madras, Situation in

IMMEDIATE *30 July 1947, 4.00 pm*
CONFIDENTIAL *Received: 30 July 6.00 pm*

No. 73-P. Following personal and immediate message is for His Excellency the Viceroy from Sir C. P. Ramaswami Aiyar. *Begins.* Direct action and civil disobedience including burning of buildings and toddy shops threatened by State Congress on and from first August. This threat has to be met by police and military action. In view of Your Excellency's conversation with me[1] and

[1] See No. 228, paras. 16–19.

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of the accession to the Dominion now accepted by His Highness at Your Excellency's instance,[2] I would suggest the discountenancing of such violent agitation by political parties. Such assistance is asked for only to avoid needless trouble and possible loss of life. Our resources are adequate to meet the threatened action but firing by police and possibly military would be inevitable. *Ends.*

[2] See Nos. 203 and 284.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Lieutenant-General Tuker (G.O.C. in C., Eastern Command) and Major-General Ranking (G.O.C., Bengal and Assam District)[1]

Mountbatten Papers. Viceroy's Interview No. 173

30 July 1947, 5.30 pm

THE VICEROY explained the plan for a joint command organisation in the Punjab.[2] He asked whether it was considered that a similar organisation was required in Bengal. He also asked whether there was confidence that the military authorities could deal with any disturbances which were likely to take place in Calcutta.

LIEUTENANT-GENERAL TUKER said that he did not consider that a system of joint command was necessary. With this SIR FREDERICK BURROWS and MAJOR-GENERAL RANKING agreed. LIEUTENANT-GENERAL TUKER gave his opinion that there was a possibility of larger disturbances in and around Calcutta than ever before. However, the Army was ready for this. There were more troops available than ever before. Even after the withdrawal of the British brigade on 14th August, there would be a Command reserve of two Indian brigades.[3] MAJOR-GENERAL RANKING explained in detail the plan to deal with major trouble in Calcutta. This was based particularly on defence of the centre of the city, and of the "heart" (the area around Government House) which he felt that he could guarantee.

SIR FREDERICK BURROWS said that large-scale disturbances were not anticipated in East Bengal. LIEUTENANT-GENERAL TUKER confirmed this,

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and that there were sufficient troops there to deal with anything likely to happen. He asked, however, that steps should be taken to expedite the provision of a Headquarters for East Bengal. He had written to G.H.Q., about this. THE VICEROY said that he would take this matter up on his return to Delhi.

[1] Sir F. Burrows and Lieutenant-Colonel Erskine Crum, who dictated the record, were also present at this interview.
[2] See minuting ending with No. 205, Case No. P.C. 74/8/47. [3] cf. No. 161.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Dr Ghosh and Mr Suhrawardy[1]

Mountbatten Papers. Viceroy's Interview No. 174

30 July 1947, 6.30 pm

THE VICEROY said that he understood that Mr. Suhrawardy and Dr. Ghosh were going to issue a joint statement similar to the one put out by the Central Partition Council.[2] This was confirmed by MR. SUHRAWARDY and DR. GHOSH. THE VICEROY said that he was very pleased to hear of it.

THE VICEROY said that he had discussed[3] with Lieutenant General Tuker and Major General Ranking the possibility of setting up in Bengal a joint command organisation similar to that established in the Punjab. They and the Governor were unanimous that this was unnecessary.

MR. SUHRAWARDY said that it was no use minimizing matters, and went on to give details of certain incidents which had taken place. He later handed two papers to the Viceroy, one concerning the disturbances at Kharagpur and the other those at Howdah.

DR. GHOSH said that Mr. Suhrawardy was exaggerating. The latest report was that the situation at Kharagpur was under control.

SIR FREDERICK BURROWS confirmed that the situation had been under control since 24th July. He said that an approximately equal number of casualties had been suffered by Muslims and non-Muslims.

THE VICEROY said that he was sure that, after 15th August, the Government of West Bengal's first request to the military authorities would be to maintain law and order without fear or favour. This DR. GHOSH confirmed.

With reference to the discussion at the Separation Council that morning,[4] THE VICEROY said that the Governor had informed him that 7 lakhs had already

[1] Sir F. Burrows and Lieutenant-Colonel Erskine Crum, who dictated the record, were also present at this interview.
[2] See No. 224. [3] See No. 289.
[4] See No. 287.

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been made available for the East Bengal Government. So no question surely arose of the move to Dacca of that Government being delayed.

MR. SUHRAWARDY said that this amount would be "swallowed up" by the purchase of steel and concrete.

SIR FREDERICK BURROWS said that the progress of building at Dacca was, in his opinion, so far very good.

On the question of the disposal of the Punjabi Mussulmans in the Calcutta armed police,[5] SIR FREDERICK BURROWS stated that it had been arranged that these men should start leaving on 5th August. After they had gone, there would be only 63 Muslims left in the armed police. THE VICEROY asked Dr. Ghosh whether he would consider retaining some of the Punjabi Mussulmans. DR. GHOSH appeared to remain adamant on this point; but he declared that it was his intention to increase the Muslim percentage in the police as a whole until they were of a number proportionate to the total population.

In connection with the discussion which had taken place at the Separation Council, DR. GHOSH said that he agreed that Government servants should be given first a preliminary and later a final choice as to which part of the Province they would opt to serve in.

With reference to the future of denominational institutions, THE VICEROY suggested that the question of the communal proportions to be admitted to each after the transfer of power should be examined in detail by the Education sub-Committee of the Separation Council.

[5] cf. Nos. 161 and 194.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Suhrawardy[1]

Mountbatten Papers. Viceroy's Interview No. 175

30 July 1947, 7.00 pm

MR. SUHRAWARDY suggested that representatives should be exchanged between

[1] Lieutenant-Colonel Erskine Crum was also present at this interview and dictated the record.

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East and West Bengal, after the transfer of power, in the same way as representatives in the form of High Commissioners were to be exchanged between India and Pakistan. THE VICEROY welcomed this suggestion, and undertook to put it forward to the Partition Council. MR. SUHRAWARDY added that he and Dr. Ghosh had anyhow arranged to visit each other at weekly intervals.

MR. SUHRAWARDY asked what was happening about Sir Archibald Rowlands.[2] His view was that it would be very much worth Sir Archibald coming out as Financial Adviser to Pakistan, even if for only three months. He said that he would express this view in writing to Mr. Liaquat Ali Khan. When THE VICEROY divulged that Mr. Jinnah had asked for Sir Archibald Rowlands to come out as Governor of East Bengal,[3] MR. SUHRAWARDY displayed extreme enthusiasm.

[2] See No. 140.

[3] In tel. 3078–S of 1 August Lord Mountbatten explained that he had been asked by Mr. Liaquat Ali Khan, acting on behalf of Mr. Jinnah, to approach Mr Attlee to allow Sir A. Rowlands, then Permanent Secretary at the Ministry of Supply, to accept the Governorship of East Bengal. Liaquat emphasised that as East Pakistan would be separated from West Pakistan by a thousand miles, the position was practically a sub-Governor-Generalship and thus one of quite unusual importance. He also pointed out that East Bengal had a monopoly of the world's raw jute and that properly handled it could become a great economic asset within the Commonwealth. In tel. 10309 of 9 August Attlee explained that economic difficulties, and particularly the heavy burden of work which would fall on the Ministry of Supply, made it impossible to spare Rowlands for the appointment in question. He did, however, renew the offer made in Lord Ismay's telegram of 15 July (see No. 140 and its note 1) to make Rowlands' services available for two or three months as an adviser. Mr. Jinnah accepted this and Rowlands served as his Economic and Financial Adviser between August and December 1947. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3).

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma.

Mountbatten Papers. Letters to and from Provincial Governors

SECRET GOVERNMENT HOUSE, LAHORE, *30 July 1947*

No. 698

Dear Lord Mountbatten,

Since my last fortnightly letter was written on 14th July,[1] there has been no improvement in the communal situation at Lahore and little improvement at

[1] No. 103.

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Amritsar. The incident of 10th July at the North-Western Railway Workshops at Lahore led to further trouble, as such incidents always do. There have been daily fires, stabbings and bomb explosions. Between 19th and 22nd July there were no less than six serious bomb explosions in Lahore and its suburbs. In one of these outrages the bomb was thrown at a truck load of workmen, but fortunately there were no casualties. There was a similar outrage with a good many casualties at an entirely different place later on the same day. Another bomb was thrown on 20th July at a group of Muslims buying fruit near Baghbanpura; on 21st July a fourth bomb was thrown among the audience at a cinema; and on 22nd July the fifth and sixth outrages occurred at Lahore Railway Station and Moghalpura Railway Station respectively. In all the four outrages on 20th, 21st and 22nd casualties were heavy. The offenders were Hindus or Sikhs, and luckily we were able to arrest five or six of them. Probably in revenge for the Moghalpura outrage on 22nd a workmen's train was held up by Muslims near Harbanspura on 23rd July, and several non-Muslims were murdered. Feeling in Lahore is perhaps worse than it has ever been; the only favourable feature in the situation is that the fires seem somewhat less effective than they have been in the recent past.

In Amritsar there have been a number of bomb outrages—the worst occurred on 28th July when 48 persons were injured in an explosion outside the Sessions Court. Murder cases arising from the disturbances were being heard, and the bomb was probably intended to kill some of the accused and any Muslims who happened to be about. It actually injured 46 Muslims, one Hindu and one Sikh, and two of the Muslims have since died.

2. Outside Lahore and Amritsar, the situation in the Amritsar and Gurdaspur villages, along the Jullundur–Hoshiarpur border, and along the Ferozepore–Lahore border gives cause for considerable anxiety. In Amritsar there has been a string of rural outrages, some of them serious. Muslims have been murdered in various ways. There have been several bomb explosions, and a train has been fired on. In Gurdaspur attempts have been made to raid Muslim villages, and a train has been held up. There have been two or three village raids in Hoshiarpur, and the neighbouring Jullundur villages are involved. Casualties have been fairly heavy. A regular communal riot has occurred at Garhshankar, a small town in the Hoshiarpur district, with a certain amount of burning. Various villages in the Lahore district are disturbed, and it is possible that trouble may spread *via* Kasur into the Ferozepore district, where too various outrages have been reported. The aggressors in all these rural areas seem to be the Sikhs. I have the impression that they have made certain preparations, some of which are now being disclosed prematurely. Bombs are widely owned and are being widely used, and many people are in possession of firearms. A few days ago there was a big explosion in one of the buildings attached to the

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the Tarn Taran Gurdwara. A stock of bombs must have gone up—the estimates of their number vary from 6 or 7 to 150—and during a subsequent search gelignite, some parts of bomb cases, and two revolvers were recovered.

In various other parts of the Punjab tension is high and there have been incidents. Gurgaon remains generally quiet owing to the presence of troops.

3. The Sikhs decided during the fortnight to hold a big meeting at Nankana Sahib[2] in the Sheikhupura district on 27th July to air their views about the boundary between West and East Punjab. As this was frankly a political gathering, I decided that the general prohibition on meetings (other than religious meetings) in the Sheikhupura district must be enforced. A considerable body of Police and troops was employed; all ordinary approaches to Nankana Sahib were guarded by an inner and an outer cordon; wide publicity was given to the fact that the meeting was illegal; bus services were suspended; and the sale of railway tickets to a number of stations, including Nankana Sahib, was suspended. Nankana Sahib is a country town with a fairly large Sikh population, and a good many Sikhs had collected in the Gurdwara some days before 27th July. There was therefore a fairly large gathering on that date —as always, estimates of its size vary, but the best opinion seems to be that from 1500 to 2000 outsiders attended. Speeches are alleged to have been made inside the Gurdwara, and for some time on 27th it seemed that we were in for a civil disobedience movement. The Sikhs in Amritsar had already begun to defy the ban on processions as a protest against the banning of the Nankana Sahib meeting, and the leaders present at Nankana Sahib were obviously upset. Late in the evening they informed the authorities that they would disperse quietly, and the Deputy Commissioner said that in that case he would not interfere with access to the Gurdwara from 28th morning. During the night of 27/28th July Giani Kartar Singh turned up at Nankana Sahib, apparently in disguise, and repudiated the local understanding. On hearing of this I sent the Commissioner and the Deputy Inspector General of Police to Nankana Sahib on 28th morning in expectation of serious trouble. Fortunately the Sikhs present at the Gurdwara dispersed peacefully during the day, and it was possible yesterday to withdraw both cordons of Police and troops. On the whole I think we achieved our objective, which was to prevent a gigantic rural gathering and to make it clear to the Sikhs that mass demonstrations about the boundary are not considered a good thing. The Sikhs intend to organise an all-Punjab *hartal* for 5th August. They are very puzzled and unhappy, and do not quite know what to do.

4. Partition work is going very slowly indeed, and I am now clear that a considerable muddle on 15th August cannot be avoided. Generally there is no enthusiasm for partition—the Muslims are naturally pleased at the establish-

[2] See Nos. 214 and 238.

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ment of Pakistan, but as Punjabis they wanted the whole of the Punjab; the Hindus and Sikhs on the other hand are apprehensive and most reluctant to leave Lahore. It would be difficult enough to partition within six weeks a county of 30 million people which has been governed as a unit for 93 years, even if all concerned were friendly and anxious to make progress. The members of the Partition Committee are friendly enough to me, and as a rule outwardly civil to one another; but there is a background of fear and suspicion and much time is wasted on trivialities. We have so far been unable to reach agreement on the principles on which assets should be divided. The reconstitution of the Expert Committees[3] was a very great mistake—instead of objective reports, such as one is entitled to expect from civil servants, we are receiving poor political essays, recording the fact that the experts are unable to agree. The rush of Muslims to the West and of non-Muslims to the East continues. West Punjab with a minority of 27% non-Muslims will when all transfers have been made have hardly a Hindu or Sikh official, and East Punjab with a minority of 33% Muslims will have hardly a Muslim official. The shortage of petrol owing to the strike at Karachi will complicate the move of the East Punjab Government, and it has been very difficult to secure adequate accommodation at such short notice. Simla will take the Governor and the Ministers, the Secretariat proper, and the Heads of important Departments with skeleton staffs. The High Court and a large part of the departmental staffs will have to go elsewhere. I have done my best to keep the Partition Committee on the rails, but the members are very slow, and the East Punjab representatives are insinuating that the Muslims only want to get them out, after which nothing will ever be settled at all. I hope that the two new Governments will by 15th August have the key staffs they need, some cash and the elements of a Budget each; almost everything else will have to be settled later.

5. We are still very short of rain, and in some districts the Kharif harvest will be definitely bad. In the end I was unable to get the Partition Committee to agree to the immediate loan of 30,000 tons of wheat to the Centre. The Muslim representatives said that they must make enquiries in New Delhi, and I have not yet heard the result. Statistically and otherwise a strong case can be made out against the loan. With a bad Rabi harvest, poor prospects for Kharif, and the chance of severe and widespread disturbances the two Governments will hardly know for some weeks there they stand.

6. I shall probably write Your Excellency one more letter in this series about 13th August. I expect to relinquish charge on 14th afternoon and leave for Karachi on 15th.

7. Since the paragraphs above were dictated, I have had a long talk with Giani Kartar Singh, and enclose a copy of the note I made when it ended.

Yours sincerely,

E. M. JENKINS

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Enclosure to No. 292

Giani Kartar Singh saw me at his request at 3.30 p.m. today. He said he understood from Sardar Baldev Singh that I had felt that at our last meeting[4] his attitude had been threatening. He had certainly not intended any threats and apologized for any wrong impression he might have caused. I would no doubt realise that the Sikhs felt strongly on the boundary question and were sometimes carried away by their feelings. He handed me a copy of the Sikh Memorandum to the Boundary Commission,[5] a copy of another document entitled "The Hindu–Sikh case for Nankana Sahib Tract",[6] and a map.[7] He then went over all the old ground again—the importance of the integrity of the Sikh community; the demand for an exchange of population so as to bring 85 per cent of the Sikhs into East Punjab; the Sikh claims on Nankana Sahib and other historical Gurdwaras; and so on.

2. I said that the Giani Sahib had himself to thank for all that had happened. I had told him from the beginning that the Sikhs could only suffer by the partition, and it was perfectly obvious that with their scattered population this must be so. But the Giani Sahib and other leaders had pressed for partition and had accepted the announcement of 3rd June.[8] Now they suddenly turned round and said they did not want partition and would not accept the Boundary Commission's award.

3. The Giani Sahib broke in here and said that what the Sikhs had originally agreed to was a report by a Boundary Commission, which would be considered by the Governor-General. The report had suddenly been turned into an award, which would be final. This was quite contrary to what the Sikhs had accepted.

4. I replied that I did not understand the Sikhs at all. On the one hand Sarder Baldev Singh, in association with Mr. Jinnah, Mr. Liaquat Ali Khan, Sardar Patel and Dr. Rajendra Prasad, had said that the award would be accepted, whatever it might be; on the other hand Giani Kartar Singh and others were saying in the Punjab that they would not accept the award unless they liked it.[9]

5. The Giani Sahib rejoined that Sardar Baldev Singh had no authority to make any statement and that he had not consulted the Party before doing so. The Viceroy had simply sent for him "to get his thumb impression," and Sardar Baldev Singh would soon find out that he had made a mistake. The Sikhs were certainly not going to accept an award which they thought unjust.

[3] See Vol. XI, Nos. 144 and its Enclosure, 145, 162, paras. 27–8, 169 and 180.
[4] See Enclosure to No. 56.
[5] A copy of this memorandum may be found on L/P &J/7/12465.
[6] and [7] Not traced. [8] Vol. XI, No. 45.
[9] cf. No. 272.

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6. I observed that the Sikhs would have to accept the award, and that there was no point whatever in their pretending that they would not do so. If the two Dominions were united in accepting the award and determined to enforce it, the Sikhs would have to come into line. Personally I had always held that there could be little change in the "notional" boundary. It seemed to me that nowadays population was the most important factor, and I very much doubted if other factors would count very greatly. This was of course only my own opinion. I had nothing whatever to do with the Boundary Commission, and I might prove wrong. (My object at this point was to make it clear that the Sikhs must abandon extravagant claims and hopes.)

7. The Giani Sahib remarked that if no substantial modification in the "notional" boundary was intended, there was no need for a Commission at all. His Majesty's Government might have fixed the boundary and left it at that, and the Sikhs would have known where they stood.

8. I said I thought the Sikhs were making an unreasonable fuss. The creation of the two new Provinces would not affect titles in property, and Mr. Jinnah had guaranteed freedom of worship as well as other personal freedoms to the minorities. There was no reason why Nankana Sahib should not function in West Punjab exactly as it functioned now—there need be no difference at all in the religious and financial future of the Sikh community.

9. The Giani Sahib rejoined that he had seen a good deal of Mr. Jinnah and had no confidence in him. Even if I was right, Mr. Jinnah was not immortal, and the Sikhs were in great danger.

10. I said that what I wanted was a joint statement by the Muslim, Sikh and Hindu leaders in the Punjab on the lines of the recent statement[10] by the Partition Council. Nobody wanted trouble when the Boundary Commission's award was announced.

11. The Giani Sahib replied that he could not agree to any such statement. The future of the Sikhs had been placed in the hands of the Chairman of the Commission, who knew nothing whatever about them or about the Punjab, and this was a position the Sikhs could not accept.

12. I said that the Sikhs would have to accept the position in the end. They were doing themselves no good by their futile demonstrations and outrages. I mentioned the Nankana Sahib meeting, various outrages committed by Sikhs in Ferozepore, Gurdaspur and Amritsar, and particularly the shooting up of a train at Gangra Railway Station between Amritsar and Beas. I also mentioned the proposed *hartal* on 5th August.

13. The Giani Sahib agreed that the Sikh demonstrations were futile, but he did not agree to take the Commission's award lying down. He began a further statement of the Sikh claims and talked at some length on the usual lines.

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14. I said he would be wise to get extravagant ideas out of his head. The partition was bad for the Sikhs, as I had already said, but by no means as bad as they thought. They would have a big share in the administration of East Punjab, and there was no reason why their position in West Punjab should be seriously impaired.

15. The Giani Sahib gave me some interesting information on the future of East Punjab. He said that the Sikhs favoured the amalgamation of the non-Punjab speaking districts with the U.P. or with another new Province. They would then try to organise what remained of East Punjab as a Sikh majority Province. The Sikh States would come in with them on this—they had not of course given the Hindus any idea of their intentions yet, as they wanted Hindu help over the boundary question.

16. Finally, the Giani Sahib burst into tears, as at our last interview, and said that it was my duty to protect his small and oppressed community. I replied that the question of the boundary was not in my hands and that I had no power to interfere. He then said that I must apprise the Viceroy of the position I replied that the Viceroy was very fully informed of the Sikh point of view, and that advice from Sardar Baldev Singh was always available to him.

17. I got the impression that Giana Kartar Singh was still unhappy and extremely puzzled. He and Master Tara Singh have certainly made a great mess of the whole Sikh question. The real solution was to get rid of the non-Punjabi speaking districts and to keep the rest of the Punjab in Pakistan. I think the Sikhs appreciate this now; but it is too late to do anything about it.

E. M. JENKINS
GOVERNOR, PUNJAB
30.7.47

[10] No. 224.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/101: f 17

IMMEDIATE INDIA OFFICE, *30 July 1947, 7.45 pm*
SECRET *Received: 31 July, 8.00 am*

No. 9857. Your telegram No. 3010–S of 29th July.[1] Is it proposed that Mr. Mangal Das Pakwasa should be appointed Governor of Central Provinces and Berar repeat Berar? Under Article 40 of Berar Agreement of 1936

[1] Transmitting Pandit Nehru's recommendations for Governors and requesting that the King's approval be obtained and communicated as soon as possible. L/P&J/10/141: f 99.

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Governor is appointed by King after consultation with Nizam. Agreement will lapse on 15th August and with it legal basis for administration of Berar together with Central Provinces as part of British India, unless in the meantime new agreement maintaining existing arrangements is reached between Government of India and Nizam. This was made clear by Mr. Henderson in House of Commons on 14th July.[2] If Standstill Agreement about Berar is reached it would presumably require Nizam to be consulted about new Governor. If it is not reached new appointment would have to be confined to Central Provinces.

2. I suggest that Nizam be consulted urgently on this nomination. Pending your reply I am not repeat not submitting Pakwasa's name to The King.[3]

[2] *Parl. Debs.*, 5th ser., H. of C., Vol. 440, cols. 59–60.

[3] In tel. 3068–S of 1 August Lord Mountbatten indicated that Sir W. Monckton would consult the Nizam verbally and requested submission of Pakwasa's name to the King on the understanding that there would be no announcement without further consultation unless the Nizam agreed. He added that time was short and that it would cause comment if the appointment for the Central Provinces were not announced with the others. In a further tel., No. 3077–S of 1 August, Mountbatten emphasised that it was 'most important that announcement should not repeat not be made until Berar point has been cleared and I telegraph further. We should prefer to make simultaneous release in India and I will suggest time as soon as possible.' Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3).

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Notes by Mr Mohammad Ali and Sir G. Spence[1]

R/3/1/165: ff 38–40

30 July 1947

THE EFFECT OF THE REFERENDUM IN THE N.W.F.P. ON THE POSITION OF THE MINISTRY IN THAT PROVINCE

A note by Sir George Spence on the above subject is enclosed.

2. The referendum in the N.W.F.P. has no analogy with the precedents referred to by Sir George Spence where a Ministry ascertains the national will on a particular issue in order to regulate its course of action accordingly. The referendum in the N.W.F.P. was of an entirely different character. Its purpose was to determine the authority—the Muslim League or the Congress—to whom power should be transferred. Since this referendum has clearly demonstrated that the majority of the electorate in the N.W.F.P. is in favour of the Muslim League,[2] it is clearly established that Congress Ministry should not remain in power. If an immediate general election could be held without danger to the security and tranquillity of the Province there could be no doubt that the present Ministry would be defeated. The situation on the Frontier is,

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however, fraught with danger and the occasion of a general election would be seized by the Red Shirts and the Zalame Pakhtoon to cause serious disturbances in the Province. The tribes are in a restive mood and any internal disorder in the North West Frontier Province might be a signal for a general uprising in the Tribal areas. The holding of a general election in the near future should therefore be ruled out on practical grounds.

3. Since as stated above, the referendum in the N.W.F.P. is a clear indication of the will of the electorate, the Governor General in his discretion may, if he agrees, issue a direction to the Governor under sub-section (1) of Section 54 of the Govt. of India Act, 1935, to ask for the resignation of the Ministry and, if they refuse, to dismiss them under the power given to him by sub-section (5) of Section 51 of the Govt. of India Act, 1935. In such an event the Muslim League would be asked to form a Ministry.

MOHAMMAD ALI

Enclosure to No. 294

In those Dominions in which the referendum is a regular feature of the constitution it appears to be established that the defeat on a referendum of proposals submitted by the ministry itself to a referendum as their own proposals does not render it constitutionally obligatory on the ministry to resign. Indeed, the normal course appears to be for a ministry whose proposals have been rejected on a referendum to remain in office until a dissolution next occurs in the ordinary course (Keith's *Responsible Government in the Dominions*, Vol. I, p. 137 and Vol. II, p. 693).[3]

2. It follows, I suggest, *a fortiori* that the result of the referendum held in the North-West Frontier otherwise than at the instance of the Ministry, and on an issue to the formulation of which the Ministry was not a party, cannot in itself have produced a position in which it is constitutionally obligatory on the Ministry to resign.

3. I understand that the Ministry is still in a position to command a majority in the Provincial Assembly. If this is so, a new Ministry formed on the resignation or dismissal of the present Ministry would not be in a position to maintain itself in power and would be constrained at an early stage of its existence to ask the Governor to dissolve the Assembly with a view to the holding of a general election.

4. In the circumstances it appears to me that on a purely abstract view of the question the appropriate course for the Governor would be to offer the present

[1] These notes had been prepared for a meeting of the Pakistan Cabinet on 1 August in accordance with Lord Mountbatten's instructions recorded at the end of No. 278.
[2] See No. 187 for the result of the referendum.
[3] Arthur Berriedale Keith, *Responsible Government in the Dominions*, 3 vols., Oxford, 1912.

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Premier the choice between resignation and dissolution. If the Governor called for the resignation of the Ministry without offering the alternative of a dissolution and thereafter granted a dissolution to the new Ministry, he would expose himself to the charge of having been actuated merely by the desire that the new Ministry and not the present Ministry should enjoy the advantage of being in office during the conduct of the general election, which any new Ministry would be unable to avoid for any length of time.

5. I understand, however, that security reasons would constitute an insuperable obstacle to the holding of a general election in the immediate future and in these circumstances I have no doubt that the Governor (assuming him to be satisfied that if an immediate general election were a practicable proposition it would result in the defeat of the present Ministry) would be justified in calling for the resignation of the present Ministers and in dismissing them if they declined to resign.

6. Under sub-section (5) of section 51 of the Government of India Act, 1935, the functions of the Governor with respect to dismissal of Ministers are exercisable by him in his discretion with the result that under sub-section (1) of section 54 it is open to the Governor General in his discretion to issue such directions to the Governor in the matter as he thinks fit. This position will, of course, cease to prevail as from the appointed day but I assume that any action taken in the matter is designed to be taken before the appointed day.

G. H. SPENCE

30.7.47.

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The Maharaja of Indore to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 49–51

SECRET INDORE, *31 July 1947*

Dear Lord Mountbatten,

I thank Your Excellency for your invitation[1] to Delhi for a frank and free talk with you. I regret very much indeed that my absence from Delhi during recent discussions on questions of common concern to Indian States and British India etc. has been a source of disappointment to you. I did not attend the meeting[2] because I felt that the States had a free hand in determining their future, I was one of those who had all along felt that my connections with the British should continue on the basis of separate Dominion status for such States as may decide not to form an integral or organic part of the two recently created Dominions of India.

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In view, however, of Your Excellency's pressing invitation I shall be prepared to go to Delhi as soon as possible, provided Your Excellency sees no objection to my bringing with me His Highness the Nawab of Bhopal, and would agree to meeting us both together. I make this proposal because, as you no doubt know, my relations with my brother the Nawab of Bhopal are very close and intimate, and we have pledged ourselves to unity of action in regard to all matters relating to the future constitutional developments in India. I have reason to hope, as a matter of fact feel confident, that His Highness of Bhopal will, if requested by me, consent to accompany me to Delhi for the purpose of these discussions between us. I understand that Your Excellency had already asked His Highness of Bhopal to see you before he took any final decision and he had consented to do so.[3]

I am making arrangements for reaching Delhi as early as possible, and will try to arrive there not later than the 2nd of August.

I shall intimate to Your Excellency the exact date and time of my arrival after I have met His Highness of Bhopal. I propose to go to Bhopal this evening and will be able to write to you from there tomorrow (the 1st of August).

Yours sincerely,

Y. R. HOLKARR[4]

[1] On 30 July the Gaekwar of Baroda and the Maharajas of Gwalior and Kolhapur (accompanied by three other princes, see No. 302, para. 49) arrived at Indore with Lord Mountbatten's letter of 29 July (No. 266). On the same day Baroda wrote to the Nawab of Bhopal asking him to absolve the Maharaja of Indore of his promise not to visit Delhi before he had seen him (ie Bhopal). Baroda indicated that he wanted to take Indore to Delhi by plane to arrive at noon the following day and promised to see that Indore did not commit himself to anything during his stay. Kolhapur added a postscript to Baroda's letter supporting this request. R/3/1/139: f 35.

[2] See No. 234. [3] See Nos. 100 and 201.

[4] The Maharaja of Indore signed himself thus in the original letter.

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The Nawab of Chhatari to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: f 52–3

PRIME MINISTER, HYDERABAD, CAMP NEW DELHI, *31 July 1947*

Your Excellency,

I thank Your Excellency for your letter No. 592/89 of the 29th July 1947.[1]

The Hyderabad Delegation has given full consideration to the matter and feel that no useful purpose would be served by my presence in the Negotiating Committee appointed by Your Excellency. For the reasons I have indicated in my previous letter,[2] Hyderabad wishes to negotiate its Stand-Still Agreements along with those States only which, like Hyderabad, have kept out of the

[1] See No. 241, note 3. [2] No. 241.

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Constituent Assembly. Also, the State does not wish to discuss the problem of accession, having chosen the alternative of political relations permitted by the Memorandum of May 12,[3] and accepted by the political parties under Your Excellency's Plan of 3rd June.[4] I suggest for Your Excellency's consideration appointment of a second Negotiating Committee consisting of such States only as have decided to remain out of the Constituent Assembly.

It is assumed that the negotiations will be, as has throughout been understood, with the representatives of both Successor Governments and that the Agreements will be of a tripartite nature.

Yours sincerely,
AHMAD SAID

[3] Vol. VII, No. 262. [4] Vol. XI, No. 45, para. 18.

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Rear-Admiral Viscount Mountbatten of Burma to the Nawab of Bhopal

R/3/1/139: ff 54–8

PERSONAL AND SECRET *31 July 1947*

My dear Hamidullah,

I have read and reread your letter of the 22nd July[1] and given my most careful and anxious consideration to it and what I say now is entirely as a friend (whose sincerity you have so generously acknowledged and which I hope none of my actions will ever belie in future) and not as Viceroy, still less as the future Governor-General of India, interested somehow or other in bringing about an association of States like yours with the Indian Dominion.

I concede at once, in fact I have never doubted, that you have had your difficulties arising from both Congress propaganda and loose statements by some of the leading members of Government and that you have had ample justification for feeling bitter and disappointed. With all that I want you to bear in mind a few matters which I shall mention presently as a real and genuine friend of the States whose services to the British cause since the time of the Indian Mutiny and even before that, no one appreciates more than myself. We have come to a stage, however, where it is necessary to forget the past and think dispassionately of the future in the common interest of all sections of the country. Although there have been provocative and unfair statements,[2] to put it mildly, made by certain leaders of the Congress, the position now is that the statement[3] made by Sardar Patel on his assuming charge of the States Department is the one that should be taken by the Princes as the official policy of the new Dominion of India towards States. So far as

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I know, no member of Government has made any statement conflicting with or detracting from, the statement of Sardar Patel, which I have no doubt you must have found to be a distinct departure from previous utterances and which should be taken as a point where negotiations with Princes could be undertaken on a basis of equality and without any trace of domination, threat, finesse, or communalism.

Secondly, the very danger of communist influence to which you refer and rightly attach so much importance is more likely to be stayed and averted if all important stake holders in the country make common cause and lend their full support to the Dominion. I have seen now for quite a few months the leaders of the Congress who are likely to be the leaders of the new Dominion Government and I hope you will believe me when I say that on the whole their influence will be exercised in future towards stability and they are as frightened of communism as you yourself are. If only they had support from all other stable influences such as that of the Princely Order, it might be possible for them to ward off the communist danger during the next few years which will be the crucial period for this country. We must remember that if the Indian Dominion territory is overrun by communists as feared by you, this will affect all territories situated geographically within the Indian Dominion and that it will not be possible for individual States existing as independent units to escape the tentacles of this revolutionary octopus. In so far as the communists are concerned, the interests of States, especially of States like Bhopal, which is entirely surrounded by the territory of the Indian Dominion, are identical with those of the Indian Dominion, and either both survive or both sink together. Make no mistake about it. There is a far greater chance of averting this danger if the States and the Dominion stand together rather than in isolation; for it is this very isolation which the communists now want.

You have some understandable doubts as to the implication of accession. You will now have seen my speech[4] to the Princes and their representatives on the 25th in which I have tried to make the position clear. You are being invited to accede on the three subjects of Defence, External Affairs and Communications for executive and legislative purposes only. I enclose a copy of the draft Instrument of Accession[5] which has been amended and now agreed to by the Sub-Committee of the Conference, from which you will see that there is absolutely no financial commitment of any kind on the part of the States. Further, you are in no way fettered (and this is explicitly made clear in the draft Instrument of Accession) as regards your attitude to accession to the new constituent Assembly. So you get a second choice at this time, and then, my dear

[1] No. 201.
[2] cf. Vol. X, Nos. 181, note 2 and 193. See also No. 201, note 5 of this volume.
[3] Vol. XI, No. 528. [4] No. 234.
[5] Not printed. For the final version of the Instrument of Accession. see Enclosure 1 to No. 313.

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Hamidullah, will come the chance of a leader like you among the Princes to hold them together to take a firm line if the new constitution turns out after all to be inacceptable to the States. What a tragedy if at this time they were deprived of their most outstanding leader by your own actions.

The draft Instrument recognises and reaffirms the sovereignty of the acceding States except to the extent of their accession and secures complete freedom from interference in their internal affairs. When you have read the Instrument of Accession, you will, I am sure, be satisfied that there is absolutely nothing sinister or machiavellian about it; otherwise the representatives of the States would not have accepted it, and I should certainly not have had anything to do with it. This is a most reasonable, even a generous offer and in my judgment the interests of a State will be best served by accession on these terms.

You have raised another question as to what is going to be the relationship between the Dominion of India and Pakistan with special reference to Defence. On my suggestion, the parties have agreed to have a Joint Defence Council under my chairmanship to be constituted on the 15th August.[6] This will function till the separation of the Defence Forces takes place, but I have every hope that something similar will be put in its place as a permanent arrangement, and there are indications already that the leaders may accept this.

I have now dealt with the important points raised in your letter. I am sure you will agree with my statement in the speech that no Ruler can run away either from the Dominion or from his subjects for whose welfare he is responsible.

I do hope that what I have said above has not the least savour of intimidation or special pleading. If it did that I would not have written this letter to you as a sincere and genuine friend which, regardless of whatever may be your decision on this issue, I hope I shall always have the privilege of remaining.

Yours sincerely,

DICKIE

P.S.

Since first dictating the above, I have received your letter of the 26th July.[7] I discussed the whole position with Sir C.P. and was able to answer his very able and searching questions to his satisfaction.[8] He was kind enough to express astonishment that I should have wrung terms so favourable to the States from Congress. While he did not commit himself or his state, he took a letter[9] from me to his Maharaja and promised me that he would return on the 27th for further talks with me. I am terribly sorry that the dastardly crime[10] which has been perpetrated on him prevented his return in person but the Maharaja of Travancore telegraphed[11] his acceptance of the Instrument of Accession as soon as he got my letter.

Well, my dear Hamidullah, this letter has grown nearly as long as yours, but

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my distress at your not appreciating the fundamental change which has been brought about, impelled me to write at length.

I gladly accept your offer to come and talk things over with me, the sooner the better.

[6] See Vol. XI, No. 416 and No. 205, Case No. P.C. 82/8/47 of this volume.
[7] No. 239. [8] See No. 228, paras. 16–19. [9] No. 203.
[10] See No. 239, note 8. [11] See No. 284, note 1.

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 241

31 July 1947

H.E.

Both P.S.V.[1] and Major Short consider that it would be not only useless but impolitic to press Baldev Singh to try to persuade Giyani to make the statement in question.[2] The Nankana Sahib demonstration[3] seems to have fizzled out, and on the 28th July Master Tara Singh definitely said that the Sikhs must await the decision of the Boundary Commission and not complicate an already immensely complicated situation.[4] Thus things on the Sikh front are going as well as one could have hoped, and, moreover, we have nothing to offer them as an inducement to make them subscribe to the Lahore statement.

2. Major Short goes so far as to say that if he were to undertake this mission, it would be with the conviction that it would do more harm than good.

3. I am sure that Y.E. will be most disappointed if the Lahore statement is not issued at all, as it cannot be without Sikh participation; but, at the end of it, neither the Moslem nor the Hindu signatories are personalities who count for much.

4. If you agree, a reply will be sent to the Governor accordingly.[5]

ISMAY

[1] Sir G. Abell. [2] See No. 272.
[3] See Nos. 214, 238, 272 and 292, para. 3.
[4] In his statement to the press on the meeting at Nankana Sahib, Master Tara Singh declared: 'Our object of holding the conference has been achieved. The Boundary Commission is yet to give its decision and we must await the decision and not complicate the situation. Therefore, my advice is that the conference should not be prolonged merely because the Government interfered.' *The Statesman*, 28 July 1947.
[5] Lord Mountbatten minuted in reply: 'I agree, but if statement is made by Partition Committee as a whole without specifically quoting membership this might be acceptable to Swaran Singh. M.' R/3/1/157: f 241.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/171: f 46

CONFIDENTIAL LAHORE, *31 July 1947*

BY SAFE HAND OF PILOT

No. 203–G. Your telegram of 30th July No. 3041–S.[1] The whole of the Punjab was declared to be a disturbed area under the Punjab Disturbed Areas Act 1947 on May 31st; a copy of the gazette notification is attached.[2] As a result of this, the special powers conferred upon the armed forces by section 2 of the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance 1947 are already available throughout the Punjab.

2. I presume that the notification, as well as the Punjab Disturbed Areas Act, continues in force automatically after August 15th in virtue of section 18 of the Indian Independence Act,[3] and I welcome the proposed order that it will not be rescinded save with the concurrence of the Central Government of India or of Pakistan.

Issue of the above has been authorised.

S. E. ABBOTT
Secretary to the Governor, Punjab
31.7.47

[1] No. 286.
[2] Not printed. A copy of the notification is on R/3/1/171: f 47.
[3] No. 164.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/PO/152: f 82

IMMEDIATE *31 July 1947, 5.10 pm*

PRIVATE AND SECRET

No. 95. Following Personal from Prime Minister. It is my intention on the occasion of the end of your short but great Viceroyalty and the transfer of power in India to submit your name to The King for Dignity of an Earldom of the United Kingdom. If the King approves, the announcement would be made in this country on the morning of August 15th. I shall be glad to know as soon as possible whether this proposal is agreeable to you.[1] All good wishes.

[1] Lord Mountbatten accepted, the king approved and the announcement was duly made on 15 August. L/PO/152: ff 81, 80.

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Meeting of the Pakistan Cabinet. Case No. 1/1/47

R/31/1/165: ff 41–5

SECRET

Those present at this Meeting held on 1 August 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Lieutenant-General Sir R. Lockhart, Mr Liaquat Ali Khan, Mr I. I. Chundrigar, Mr Abdur Rab Nishtar, Mr Ghazanfar Ali Khan, Mr Jogendra Nath Mandal; Mr Mohammad Ali, Mr Osman Ali

Case No. 1/1/47 The effect of the referendum in the N.W.F.P. on the position of the Ministry in that Province.[1]

His Excellency said that the present position of the Ministry of West Bengal was proving extremely inconvenient to Dr. Ghosh and his colleagues, but he had resisted the demand for the reconstitution of the Suhrawardy Ministry on a regional basis because he had been advised by Mr. Jinnah that it would be an unconstitutional step to take. He mentioned this because Sir George Spence's note,[2] and particularly paragraph 1 thereof, indicated that it would be unconstitutional for him to remove the N.W.F.P. Ministry and he felt that he should be guided by the same constitutional considerations in dealing both with the Frontier Province and with Bengal. He accepted the position, however, that it was his duty to prevent the present Ministry in the Frontier Province from doing anything prejudicial to the interests of the Muslim League. He offered, therefore, to instruct the Governor of the N.W.F.P. to issue a complete standstill order under which business would only be transacted with the Governor's sanction, which he would give only on the advice of the Muslim League. On the 15th of August, of course, it would be open to the Muslim League to put in its own Ministry in that Province.

In the course of subsequent discussion the following points were made:—

(1) Paragraph 1 of Sir George Spence's note was irrelevant. The reference there was to constitutions such as the Swiss model which specifically provided for referenda on particular matters. This was not so in the case of the N.W.F.P. Here the question was as to who should be the successor authority to whom power should be transferred. The referendum had clearly shown this to be the Muslim League.[3] The Province should, therefore, be handed over now to the League and the Congress should not be allowed to remain in power even for a day. To leave the present Ministry in power until the 15th August would mean in effect that a part of Pakistan territory

[1] See Nos. 278 and 294. [2] Enclosure to No. 294.
[3] See No. 187 for the result of the referendum.

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would pass to the Congress on that date. Sir George Spence had not taken this point into consideration. Paragraph 5 of his note, however, showed that even he considered that it would be constitutional to remove the present Ministry given certain specified circumstances.

(2) The position would have been different had disagreement between the Muslim League and the present Ministry in the Frontier Province been based merely on party programmes. It went much further than that because the Ministry was opposed to Pakistan itself. There were precedents for removing a Minister or a Ministry who acted in a way detrimental to the interests of the State as a whole. This could be said to be the case in the N.W.F.P. Constitutionally also it was open to the Governor of a Province to dismiss the Ministry without assigning reasons if he thought fit.

(3) A 'standstill' arrangement would not meet the requirements of the case—because (a) it was likely to be flouted by the Ministry and (b) it could be applied only in the case of those subjects which were the Governor's special responsibility.

(4) The present Ministry was acting in an unconstitutional manner if not resigning when defeated on a fundamental issue.

(5) To effect a smooth transfer of power it was necessary that the Province should be handed over immediately so that the Muslim League Ministry would be able to function successfully from the 15th August. To that end many preliminary steps had to be taken, such as disarming all the illegally armed elements in the Province. Otherwise on the 15th August the Pakistan Government would be faced with a very dangerous situation.

(6) According to Sir George Spence action to remove the Ministry had to be taken before the appointed day and it would not be open to the Pakistan Government to dismiss the Ministry on or after the 15th August. This point would have to be examined when considering the Adaptation Orders.

(7) A possible solution was to put the Province under Section 93 rule a day or two before the 15th August so as to avoid any criticism that Britain was trying to run the Province at this stage. Since, however, the imposition of Section 93 rule with immediate effect would be done on the advice of the Pakistan Government, such criticism would not be justified.

(8) It would be unprecedented and impracticable to dismiss the Ministry without also dissolving the Legislature because the Ministry still commanded a majority there. It was pointed out, however, that the referendum had clearly shown that the Ministry did not possess the confidence of the majority of the people. It was not, therefore, necessary to dissolve the House.

(9) The referendum had not shown that the Province was behind the

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Muslim League except on the one specific issue as to whether it should join Pakistan or India. The objection of the N.W.F.P. Ministry to the referendum had been that they were not free to put to the people the third choice of their electing foi Pathanistan.

(10) The position of West Bengal was different from that of the Frontier Province because it was not yet clear which parts of the existing Province of Bengal would go to Pakistan.

(11) It could be argued that the Frontier Ministry, in not accepting the policy of partition as laid down in H.M.G's statement of the 3rd June, 1947[4] was not doing its duty of assisting the Governor in running the Province and it could, therefore, be dismissed. It would then be open to the Governor to call on the leader of the opposition to form a Ministry.

Summing up, His Excellency reiterated the assurance he had given that he regarded it as his duty to see that the present Ministry did nothing to injure the Pakistan State. Two courses had been suggested in the following order of preference:

(a) that His Excellency the Governor should ask the present Ministry to resign and if they refused should dismiss them and call on the leader of the opposition i.e. the Muslim League, to form a new Ministry;

(b) that the Province should be placed under Section 93 rule with a Muslim League Council of Advisers and the League Ministry installed by about the 14th August.

It was his opinion that because the latter course would place the responsibility for running the Province almost entirely on British shoulders at this particular juncture H.M.G. were likely to be averse to it, unless it was adopted a day or two before the 15th August. Whichevei course, he ultimately adopted, it would be only on the advice of his colleagues and after consultation with his legal advisers and H.M.G. to ensure that his action was constitutional.

[4] Vol. XI, No. 45.

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Viceroy's Personal Report No. 15

L/PO/6/123: ff 208–22

TOP SECRET *1 August 1947*

PERSONAL

Pressure of work has, if possible, increased as our D-Day draws near. Friction is more intense and much time has to be devoted to oiling the bearings and

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pulling spanners out of the works. I am more than ever convinced that if the date of transfer had been 1st October there would have been a serious risk of a complete breakdown before that date. The Provisional Joint Defence Council was formed this week and now has thrice-weekly meetings immediately before the meetings of the Partition Council; in fact it consists of the members of the Partition Council plus the Defence Members of India and Pakistan and the Commander-in-Chief.

2. The country as a whole is quiet, with the exception of the Punjab, where there have been continued disturbances in which the Sikhs have been very prominent; even Giani Kartar Singh, who should have known better, managed to get himself arrested in the demonstrations which took place around Nankana Sahib[1] but was released the same day. There are continued rumours that the Sikhs will make trouble after the Boundary Commission award has been announced,[2] but there is evidence that both the new Dominions intend to be very firm in dealing with disturbances in the future, and the Joint Command referred to in Appendix I[3] of my last report will be a great help.

3. I visited Calcutta for 20 hours to deal with partition matters, on the 30th/31st July. My wife remained on for another 30 hours which she spent in an intensive programme visiting hospitals, schools, institutions, Red Cross centres and the like.

4. The main object of my visit was to meet the Bengal Separation Council who, I gathered from Burrows, had got into some difficulties, and to see if I could not help them, by comparing notes, from my experience of our Central Partition Council and the Punjab Partition Committee. I feel that part of their trouble is that Suhrawardy is rather a gas bag, who likes to score debating points. Another weakness is that in Bengal, unlike Delhi, the Separation Council start arguing on general principles and, in some cases, about the nuts and bolts of a problem, before there has been any chance of an agreed recommendation coming up from a lower level. The Steering Committee, Ray and Khan, seem to be a reasonable pair, who have just returned from a profitable discussion with our own Steering Committee in Delhi.

5. Our informal meeting,[4] which Burrows attended, lasted two hours, and I am sure was useful. The Council had got bogged down over three main points:—

(a) The question whether the value of roads, rivers, etc., should be included among the assets to be divided (West Bengal is, of course, rich in roads and East Bengal in rivers).

(b) The division of certain mechanical equipment, such as printing presses, typewriters and M.T. repair workshops, nearly all of which are now located in West Bengal.

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(c) Whether Government buildings and lands should be assessed at book value or their present market value.

6. As regards 5(a), I said that this was a matter which might easily fall into place later on, if they deferred consideration of it until all other issues connected with partition had been decided. They agreed to accept my suggestion. If they go on discussing it now they will only irritate each other, as the whole question of the roads was obviously put up by Suhrawardy to increase the value of the assets to be counted against West Bengal.

7. As regards 5(b), it was printing presses which, as usual, were causing a complete deadlock. I think I persuaded them to follow our lead in the Centre not to try splitting up and moving old presses, but to reach some working agreement for joint use of them until new presses could be obtained for East Bengal. On this I undertook to try and obtain early delivery of requirements, and when I pointed out that His Majesty's Government had no means of imposing priority, Burrows said that he would see what he could do by a personal approach to Trade Union leaders.

8. As regards 5(c), this is one on which the Separation Council are not likely to reach agreement, and I advised that they should let it come before the Arbitral Tribunal, which is now being set up at the Centre.

9. After the meeting with the Separation Council, I had a meeting with the Army and Area Commanders and the Governor;[5] at which they informed me that they did not consider the setting up of a joint Command organisation in Bengal would be necessary, since they did not anticipate the same difficulties as in the Punjab. I went carefully through the military plans for the defence of Calcutta against last minute arson and sabotage by the Muslims and feel confident that the military will be able to prevent the City from being burnt or sacked if any such attempt should be made.

10. I then had a meeting with Dr. Ghosh,[6] the Chief Minister of the West Bengal Shadow Ministry, and subsequently with him and Mr Suhrawardy, the present Muslim Chief Minister of Bengal and the probable future Chief Minister of East Bengal.[7] They both agreed that a joint military command was unnecessary. I am glad to report that the two Chief Ministers have agreed to issue a joint statement on lines similar to the Statement[8] recently issued by our Partition Council. I am sorry to have to report, however, that the Sikhs have

[1] See Nos. 214, 238 and 292, para. 3.
[2] See Nos. 250, 254, 256, Item 8, 272 and 292, para 2.
[3] See No. 228, para. 14; see also para. 5 of the Partition Council statement at No. 224.
[4] See No. 287. [5] See No. 289.
[6] There is no record of a meeting between Lord Mountbatten and Dr Ghosh during the former's visit to Bengal in the Mountbatten Papers. Mountbatten did, however, have a separate meeting with Mr Suhrawardy; see No. 291.
[7] See No. 290. [8] No. 224.

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"ratted" on the undertaking they gave me to issue a similar statement in the Punjab Partition Committee.[9]

11. Burrows visited Dacca, the capital selected for East Bengal, this week and reported that the rate at which temporary buildings were going up and old buildings were being repaired was truly remarkable, and he felt that there would be enough accommodation ready for the East Bengal Government by 15th August, provided they were not held up for material. East Bengal leaders were, however, worried about getting sufficient supplies, and I have undertaken to do what I can to help over their immediate requirements. It would be a pity if any excuse were given to the Muslim League not to move out of Calcutta well before 15th August. The dates immediately after that are rather tricky, 16th August being the anniversay of last year's holocaust, and 17th August the Muslim Id, which ends the month of Ramzan. A month of fasting in the middle of the summer does not improve tempers, though I was told that the last few days have been quieter than usual. Unfortunately, there were several incidents yesterday, including another sten gun shooting, this time apparently perpetrated by Muslims.

12. Four hours after landing at Palam on 31st July I was in the midst of the most difficult Joint Defence Council and Partition Council meeting that we have had so far. Of the 6 items on the agenda, the Steering Committee had been unable for the first time to find an agreed recommendation on four. Of these four items the most important concerned the division of the Royal Indian Air Force squadrons between the two Dominions.

13. I should explain that we have been working on the basis of communal proportions in dividing the fighting services, the smaller partner by far being, of course, Pakistan. In the case of the Army this was the obvious method of dividing the actual soldiers since there was no shortage of equipment, and it worked out at a rough proportion of 70:30. In the case of the Navy it worked out at about 60:40, but as India have a far bigger coastline with more harbours and a far greater proportion of the trade to guard, the actual ships were divided in the proportion 70:30. When it came to the Air the communal proportions worked out at 80:20. As there were ten squadrons to divide (2 transports and 8 fighters) the India representatives claimed 8. The Armed Forces Reconstitution Committee recommended that on the anaology of the naval partition the proportion should be 70:30, since Pakistan had the North-West Frontier to guard.

14. This caused the most frightful feeling, for the India representatives had at a previous meeting categorically turned down my suggestion that they should send air squadrons to help Pakistan if there were trouble with the tribes, though they undertook to reconsider the matter if Afghanistan or any foreign

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power started to invade. They now took the line that even to give Pakistan one of the squadrons to which they were entitled would be equivalent to giving them India's facilities to use them against the tribes.

15. Patel infuriated Jinnah and Liaquat by referring to the tribes as "our people", since the Muslims of course claim them as their own. Matters not only became heated, but I am sorry to say that Patel took violent exception to the fact that the British officers of Auchinleck's Armed Forces Reconstitution Committee had dared to suggest that communal proportion should be departed from in favour of Pakistan; and in fact I know privately that they are beginning to take the view that Auchinleck and his senior commanders are becoming pro-Pakistan,[10] whereas in fact they are, of course, merely trying to be fair. (The arrival of the invaluable Trivedi on a brief visit should help to straighten this trouble out before it becomes really serious).

16. The situation had become so tense and bitter that agreement even in the future appeared out of the question. I therefore suggested that from the immediate reserve of aircraft available throughout India, the equivalent of a ninth fighter squadron should be raised and placed at the disposal of Pakistan, and manned as soon as they could get sufficient personnel. There was a sigh of relief all round and this solution was accepted in principle "if proved to be practicable". I have given instructions to the Air Officer Commanding in Chief that it is to be proved practicable before the next meeting.

17. The other three issues on which there was disagreement were less important; one was not urgent and so I got it put back for reconsideration in September and on the other two I again managed to suggest acceptable compromises. So far we have not had to reserve any question for the Arbitral Tribunal.

18. Major General Cawthorn, Auchinleck's representative with the Joint Chiefs of Staff in Melbourne, has been here and conveyed a request from Australia that the Indian contingent in Japan should not be withdrawn until the peace treaty is signed. The representatives of both Governments in the Joint Defence Council took the view that India's prestige would be enhanced if they could keep their force out there. Auchinleck pointed out that it would be impossible to reconstitute the units out there on a communal basis and that, if after the rest of the army had been partitioned, there were trouble with the unpartitioned Indian force in Japan, the prestige of India would suffer rather than benefit. The matter is therefore being reconsidered, and it now looks as though the leaders will reconsider their first views.

[9] See Nos. 228, para. 11, 272, Enclosure to 292 and 298.
[10] cf. Nos. 247, 256, Item 2 and 270.

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19. I have run into some difficulty over the question of the Ministry in the North West Frontier Province. The present Ministry is, of course, a Congress Ministry, and has refused to resign in spite of the adverse result of the referendum. Dr. Khan Sahib, the Premier, originally indicated[11] that he would be prepared to resign if the Referendum went decisively against him, but possibly on instructions from the High Command, he has withdrawn this decision, and now says[12] he sees no reason why his Ministry should resign until there is a General Election or he is defeated in the Legislature, in which, the Congress with the weightage of the minorities, have a considerable majority.

20. It is within my legal powers to direct the Governor to dismiss the Ministry and that decision cannot be called to question. On the other hand such action would be contrary to normal constitutional practice since the Ministry undoubtedly have a majority in the Legislature, and would almost certainly be taken amiss by Congress, who wish their Ministry kept as long as possible as a matter of prestige.

21. I informed Lockhart that I would take the advice of the Provisional Government of Pakistan on this issue and make them take the major responsibility for the decision. The advice they gave me at this morning's Pakistan Cabinet meeting[13] was that I should direct the Governor to ask the Ministry to resign and, if they refused, to dismiss them. I said that I did not want, in my last fortnight as Viceroy to do something which could be alleged to be unconstitutional and although I recognised the difficulties I thought it would be better to get the Governor to issue a sort of standstill order so that League interests should not be damaged during the next fortnight by any action taken by the Congress Ministry.

22. This did not go down well and ultimately the advice given me was that if I could not direct that the Ministry be dismissed I should order the Governor to go into Section 93 and take on the Muslim League team as his advisers. I was urged to admit that unless a change was made soon the Muslim League would inherit chaos in the N.W.F.P. on the 15th August.

23. Ultimately I promised to accept the advice of my colleagues provided I was assured by the experts that it was constitutionally correct. I also said that I must refer the matter to London before taking a final decision. Jinnah has always stalled on matters he does not wish to give me a decision on. He can hardly complain if I follow suit.

24. I think it is clear that the present Ministry must either resign or be dismissed before 15th August, but it may be advisable to make the change as late as possible, and possibly to adopt the expedient of going into Section 93 for a couple of days rather than appointing a Muslim League Ministry before 15th August.

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25. Ever since I arrived out Nehru has been hankering after a visit to Kashmir. He is obviously still suffering from an emotional upset consequent upon being recalled by Congress after being arrested in Kashmir during the time of the Cabinet Mission's meetings last year.[14] In the first instance I offered to go myself and discuss the future of Kashmir with the Maharajah, but Nehru was dissatisfied with the result of my visit and asked me to let him go himself. Gandhi came to the rescue and offered to go in Nehru's place.[15] I telegraphed to Kashmir but the Maharajah begged that no leaders should be allowed to come, at all events before the 15th August, since they had so far avoided having bloodshed in Kashmir and Jammu, although they could see people killing each other across the borders in the Punjab.[16] I managed to delay Gandhi's visit until the Prime Minister, Kak, had come to Delhi for my meeting with the States representatives.

26. I had arranged a meeting between Kak and Gandhi on the 24th July[17] and warned Kak against dissuading Gandhi from coming to Kashmir, unless they were prepared for Nehru to take his place. Kak failed to take my advice,[18] and succeeded in stopping Gandhi, with the result that the moment Kak had returned to Kashmir, Nehru wrote and said that he must now go to Kashmir himself.[19]

27. Kak and the Maharajah hate Nehru with a bitter hatred and I had visions of the Maharajah declaring adherence to Pakistan just before Nehru arrived and Kak provoking an incident which would end up by Nehru being arrested just about the time he should be taking over power from me in Delhi! I realised Nehru was in a most emotional state so called a meeting of Nehru, Patel and Gandhi on the 29th July.[20] I said that whatever Nehru's personal emotions might be, I felt I should be failing in my duty if I did not point out that this was hardly the time for the Vice President of the Interim Government and the Prime Minister of the Dominion Government which was to take over power in 17 days, to leave the capital on what really amounted to almost private business; at all events on a visit which it would be extremely difficult to explain away to world opinion.

28. I also pointed out that a visit by any Congress leaders could not fail to be badly received in the world press just at the time it was known that Kashmir had the choice of Pakistan or India before it; but that this effect would be somewhat mitigated if Gandhi went, on account of the religious aura that surrounds

[11] See No. 45, para. 3(i)(b). [12] See Nos. 211, para. 6 and 278.
[13] No. 301.
[14] See Vol. VII, No. 594 and Vol. VIII, No. 16, p. 29.
[15] See Vol. XI, Nos. 319, 369, paras. 29–31 and 386.
[16] See No. 4. [17] See No. 259, note 2. [18] See No. 260.
[19] See No. 249. [20] See No. 269.

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him; whereas if Nehru went it would be regarded as a piece of straightforward political lobbying.

29. Gandhi agreed with what I had said, and stated that although at Kak's request he had agreed not to go, if I seriously regarded Nehru's proposed visit as objectionable, he would himself be prepared once more to take his place, if this would be an adequate solace to Nehru.

30. Patel gave it as his view that neither of them should go, but that in view of Nehru's great mental distress if the mission in Kashmir were to remain unfulfilled, he agreed that one of them must go. He very bluntly remarked: "It is a choice between two evils and I consider that Gandhiji's visit would be the lesser evil".

31. Nehru held forth at some length about his mental distress and defended his visit on the grounds that (a) nothing would be more natural than that Congress should send a high-level emissary to lay before the Government of Kashmir the advantages of joining the Dominion of India, and (b) that it was well known that he was over-worked; that he would like to go away for three or four days' rest somewhere in any case, and that Kashmir would be a delightful place in which to have a brief holiday. The fact that he might be engaged on local work would be a sufficient change of occupation to give him the necessary rest.

32. The rest of us each argued in turn with him and finally Gandhi specifically renewed his offer to go provided Nehru would accept that offer, which he urged him to do since Patel and I, who were the two "outside" members of the party, were so strongly in favour of Gandhi's going. Finally it was agreed that Gandhi should leave on the following night train via Rawalpindi: I can now only hope that the visit will be uneventful.[21]

33. I have reason to believe that when Patel had tried to reason with Nehru the night before our meeting, Nehru had broken down and wept, explaining that Kashmir meant more to him at the moment than anything else. Patel found it impossible to deal with him and told a friend after our meeting that I had probably saved Nehru's political career, and thus the chance of Congress making good on the transfer of power.

34. I had a separate meeting[22] with Nehru on 29th July and referred to the desire of the British Government to discuss overall Commonwealth defence arrangements with both India and Pakistan as soon as the two Governments were set up. I said I thought the Chiefs of Staff would either come themselves or send high powered representatives to hold discussions with the Joint Defence Council in Delhi. Nehru welcomed this wholeheartedly as he thought it was a most necessary move, particularly as it would facilitate discussion of

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questions of mutual assistance between Pakistan and India. I have also mentioned this to Jinnah who was equally pleased.

35. I told Nehru I sent a weekly personal report to the King, the Prime Minister and the India Cabinet Committee. I presumed that after the 15th August, he would wish me as a constitutional Governor-General, to cease this practice. He told me he thought that I was quite right in offering to stop it. I then asked whether he had any objection to my writing a regular letter to the King in view of the fact that he was still the King in India, and I was his representative. Nehru said he saw no objection to this. I asked if I might make those letters personal, and not show them to Nehru. He said he trusted me implicitly in this matter and that I could do as I wished.

36. Rumours in the press and private sources of information had indicated to me that Nehru was about to submit to me an unimaginative Cabinet of old-time Congressites.[23] I was convinced that such a Cabinet would be disastrous. I therefore made a great point of discussing the composition of the new Cabinet with him. I began by admitting that as Constitutional Governor-General I would have to accept any names he put to me, but I hoped that as a friend he would allow me to give him some advice. He said that he would always look to me for advice in these matters.

37. I then said I had no idea who the new Members would be, but I was convinced that unless he got a really sound Cabinet in which young, talented and keen members predominated, he would lose a great opportunity of gripping the imagination of the country. I told him I thought his greatest weakness was his personal loyalty towards old friends and colleagues, and that unless he got rid of a lot of top-weight like Rajagopalachari and Maulana Azad, he would find himself greatly hampered. I told him I thought that Bhabha and Matthai should both be kept since they were extremely able and fearless. I told him that Baldev Singh appeared to me to be unsatisfactory as Defence Member though I realised he was the only available Sikh, that Rajendra Prasad was a dear old man, and ought to become the Speaker in the House, and that in general, it was essential that he should get a crowd of really good young men. With such a Cabinet the Congress could remain in power for the next few years; without it, it was done.

38. Nehru agreed in principle, but said that there was a remarkable dearth of good young men, between the ages of 30 and 45, but that it was his intention to pick fairly unknown young men and put them in as Deputy Ministers or Parliamentary Secretaries to get experience. I told him I thought that this was

[21] cf. Nos. 277 and 280, note 2.
[22] Mountbatten Papers, Viceroy's Interview No. 170(B).
[23] cf. No. 256, Item 6.

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a serious matter for India, and I sincerely trusted that he would give it his closest personal attention.

39. Although Nehru listened attentively he gave no indication of what his reactions were and I felt that I had probably failed to convince him. I now hear that he went straight back and summoned a meeting of his Congress colleagues, at which he tore up the list of the Cabinet that they were proposing to submit to me and said that it was vital for the future of India that they should produce a more imaginative Cabinet and that they should start thinking again. Sensation! ! ! Patel came down heavily on "my" side and they are now sitting night and day trying to produce a better Cabinet. I sincerely trust that they will succeed for otherwise I fear Congress really will be finished within a year.

40. Jai Prakash Narain's price for bringing the Socialist party in was the Finance, Home and States Departments portfolios and 25 seats in the new Legislative Assembly. Much as they need the Socialists in, Congress cannot afford to pay such a price. They are now trying to get the Hindu Mahasabha in.

41. When Air Marshal Sir Thomas Elmhirst was interviewed by Nehru with a view to being offered the command of the Air Forces of the Dominion of India, Nehru began to ask him searching questions about the range and performance of all the aircraft which were going to be turned over to the Dominion. It finally became clear to Elmhirst that Nehru was seriously considering trying to get an Indian air striking force to join the Indonesians as soon after the 15th August as possible. Elmhirst was able to ride him off this by pointing out all the technical difficulties which Nehru had not appreciated. But it does show the lengths to which Nehru is prepared to go to support the Indonesian cause.

42. Dr. Shariar has been staying here with Nehru and came to the Viceroy's House for a discussion with Killearn. I also told Nehru that he could bring him to the party we gave for the Princes and States' representatives on the 25th July; but I have not had a personal interview with Shariar, since it does not seem my place to do so at the moment.

42. On the 26th July[24] I addressed the Chamber of Princes, which was crowded to capacity with Rulers, Dewans and representatives. I spoke without notes, hoping to gain in sincerity what I might lack in lucidity. A shorthand transcript of what I said has been sent to the India Office. The address lasted half an hour after which I answered questions for an hour.

44. It was clear to me from the beginning that the Rulers and Dewans of practically all the big States followed every word that I was saying with sympathy and understanding. The representatives of the smaller States, how-

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ever, showed a lack of comprehension which was almost incredible. Again and again I was asked the same sort of questions in different words, and again and again I drew attention to the fact that I had already answered this question and was now going to answer it once more. Many of them seemed inclined to doubt that I should be offering them terms so much better than anything they had been led to believe Congress would agree to. In particular they seemed to find difficulty in grasping the fact that accession would *not*[25] involve giving any financial control to the Central Government, nor would it tie them to accepting the new constitution if they did not like it.

45. The only States that have been seriously holding out are Travancore, Hyderabad, Dholpur, Indore and Bhopal.

46. I reported my conversations with the Dewan of Travancore in paragraphs 16 to 19 of my last report.[26] Shortly after his return he was assaulted with a billhook and very nearly killed.[27] The States Peoples organisation turned the heat full on and Travancore immediately gave in. The Maharajah telegraphed his acceptance of the Instrument of Accession to me personally,[28] and C.P's friends have been trying to get Patel to call off the States Peoples organisation movement.[29] He is trying to do this but is having very considerable difficulty since C.P. had really driven them beyond endurance. The adherence of Travancore after all C.P's declarations of independence[30] has had a profound effect on all the other States and is sure to shake the Nizam.

47. Walter Monckton is having the greatest difficulty in Hyderabad.[31] His life has been threatened by the local Muslim organisation, the Ittihad-ul-Muslimin. The Ittihad representative on the Hyderabad delegation issued to the Delhi press an account of their most secret negotiations so as to discredit Monckton; whereupon he promptly resigned from the delegation. This, I think, will enormously strengthen his hand and although everybody else in India appears to have given up hope of Hyderabad coming in, I still think he has a sporting chance of managing it at the last moment. If he fails, Hyderabad is undoubtedly finished.

48. The Maharaja of Dholpur is an old friend, having been on the Prince of Wales's staff with me. He suffers from a belief in the divine right of Kings and is so besotted on this subject that it is just possible that I may not be able to make him see sense. But I have been having frequent interviews and exchanging letters with him and am getting as many of his brother rulers as I can to work

[24] The date should be 25 July; see No. 234.
[25] Emphasis in original.
[26] No. 228. [27] See No. 239, note 8.
[28] See No. 284 and its note 1.
[29] cf. No. 288. [30] See eg No. 146.
[31] cf. No. 257.

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on him. To illustrate his state of mind, he told me that the terms of the Instrument of Accession are better than anything he could have hoped for, and he would accept them at once if they were a treaty, but considers it *infra dig* that he should sign an Instrument of Accession.[32] I shall probably write him a farewell letter[33] expressing my deep regret at the demise of Dholpur, in the hope that on the 14th August he may yet come round and save the life of his State.

49. As is well known, Indore has a most unsatisfactory Ruler. He has refused to come to Delhi or to allow a representative to come even to hold discussions. As Crown Representative I do not feel I can leave any stone unturned to help any State. I therefore got hold of the Gaekwar of Baroda and the Maharaja of Kolhapur and told them to collect the other Mahratta Rulers and fly down and bring Indore back. I sent a letter containing an invitation to come and discuss matters with me in Delhi by the Gaekwar.[34] They took with them the Maharajas of Gwalior, Dhar, Dewas Junior and the Raja of Sandur (Indore's oldest friend and companion). The six princes flew down on the 30th and reached Indore airfield at 10.30 a.m. only to find that the Maharaja had gone on a visit to the Nawab of Bhopal. So they sent the Prime Minister of Kolhapur in their aeroplane to fetch Indore. Bhopal refused to allow the Prime Minister to see Indore, negotiations having to be carried on by messages. It took more than four hours to persuade Indore to return with the Prime Minister. He arrived at six o'clock, went to his Palace, and unceremoniously kicked out five of the Rulers literally into the passage, keeping only the Gaekwar.

50. It appears that Indore has an extremely unpleasant ex-Police Officer called Horton, as his Prime Minister. Horton had the nerve, on reading my letter, to say to his Maharaja that this was a threat, which the Gaekwar vigorously denied. Indore said he could not go to Delhi as he had given his word of honour to Bhopal not to go without his permission. They spent most of the night trying to make contact with Bhopal by telephone to get the Nawab to release Indore from his promise, but failed. They returned on the 31st July without Indore. I saw four of the Committee who are all horrified at their treatment. The Gaekwar wished me to depose him at once, but I pointed out that I had no grounds for doing this before the 15th August.

51. It may not be a bad thing to have a thoroughly unsatisfactory State like Indore remaining outside the Dominion, as an example of what happens to States that try and stand on their own. If he does not change his mind and come in I prophesy that the people of Indore will kick their Ruler off the Gaddi before the end of September.

52. This leaves only Bhopal, whose Ruler is my second best friend in India.

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We are still in frequent correspondence and he has offered to come up and have a final talk with me.[35] He is of course a Muslim ruler with a majority of Hindus in his State and his position is admittedly difficult. But he is making it far more difficult for himself by his extraordinary attitude, and I do not know whether I can pull him round either by reason or through personal friendship.

53. Rulers are notoriously dilatory in taking any action. I therefore gave a luncheon party today to which I invited all the Rulers who are still in Delhi. I asked all those who were prepared to let me announce their accession in the papers to let me know privately before they left and I undertook not to coerce those who had not yet made up their minds. It was really a great success, for all of them joined except two of the Punjab Hill States who have had Sardar Patel's agreement to their deferring their decision until their negotiations with Kashmir are completed, and it is known which Dominion Kashmir will join.

54. As might have been expected Nehru has returned to the charge about the I.N.A. prisoners. He pointed out that unless they are released by 15th August pressure from the extreme elements of Congress will be such that Government will be forced to yield. On the other hand Auchinleck is adamant that if it is known that I am responsible for their release whilst Viceroy it will upset the British officers who are remaining on. There are only 11 still in jail, with sentences ranging from 2 to 7 years rigorous imprisonment, all awarded for brutality and not for political reasons. The Federal Court have just finished reviewing the sentences and have recommended a reduction in most of them. In view of the fact that there was a general amnesty for certain classes of prisoners when the Duke of Connaught opened the Legislative Assembly in 1921 and on the occasion of the King's coronation in 1937 the right answer would appear to be to make use of a similar general jail release throughout both Dominions on the 15th August. Auchinleck is prepared to reduce the sentences of the I.N.A. prisoners to the level needed for bringing them into the amnesty clause, and both Nehru and Jinnah are prepared to accept this solution. The main thing will be to arrange that there should be no special publicity about this so that the I.N.A. men may find themselves out in a large crowd without becoming heroes.

55. Having heard of appalling conditions in Indonesia, particularly through lack of supplies, my wife consulted Nehru, the Indonesia representatives and the Indian Red Cross, as well as Lord and Lady Killearn and has been instrumental in arranging for medical supplies to be made available to Indonesia by Indian Red Cross. Arrangements are also being made through the Indian

[32] cf. No. 242. [33] cf. No. 265.
[34] See Nos. 266 and 295, note 1.
[35] See correspondence ending with No. 297.

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Medical Association for two doctors to proceed to Indonesia as soon as necessary; safe passage and arrangements have been fixed.

46. The following is an extract from *The Statesman* of 31st July:—

"One of the few institutions which will not be partitioned immediately is the Punjab Mental Hospital. It will continue to be shared for some years. Some Hindu inmates of the asylum have protested against being left in Pakistan. They have been assured that their fears are imaginary."

M. OF B.

P.S. Since writing the above news has come that the Maharaja of Indore and the Nawab of Bhopal are coming to Delhi together to see me.[36]

[36] The Maharaja of Indore conveyed this information in his telegram to Lord Mountbatten dated 1 August. R/3/1/139: ff 47–8.

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The Khan of Kalat to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/166: f 36

GOVERNMENT OF KALAT

CAMP HOTEL IMPERIAL,
NEW DELHI, *1 August 1947*

My dear Friend,

After I had the honour of seeing Your Excellency on Monday, 28th July,[1] I have met Mr. Jinnah three times, while my Wazir-i-Azam has had two or three meetings with the Hon'ble Sardar Abdur Rab Nishtar and one with the Hon'ble Mr. Liaquat Ali Khan and the aforesaid Sardar Sahib together. I regret to say that in spite of these meetings we are where we were before I arrived here.[2]

Your Excellency will, I hope, agree that for negotiations to succeed or make any headway at all on an important issue like this there should be present some spirit of 'give and take' on both sides. On my part while I maintain that all the areas in question (Quetta, including the rights of collection of tolls in the Bolan, Nushki and Nasirabad) belong to Kalat State and must revert to Kalat State on the termination of my Treaty with British Government, I am prepared none-the-less to come to a reasonable settlement with Pakistan in respect of such problems as defence and the safety of the Railway Line passing through the Bolan and Nushki Territories. But I have noticed with regret that the Pakistan Authorities are in no mood to admit my right to the retrocession of these territories or to give up possession of any of them to me.

In these circumstances there seems to be no point in my staying here any longer, and I would, therefore, request Your Excellency to give me the

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honour of a further interview with you as soon as may suit your convenience, in order that I may be able to submit my case finally to Your Excellency and to take leave of Your Excellency to return home.

I assure Your Excellency of my loyal services at all times, and subscribe myself.

Your Excellency's sincere friend,
AHMAD YAR KHAN

[1] No. 258.
[2] Sir G. Abell noted on the file that Mr Jinnah's Secretary had told him that 'Mr Jinnah asked the Khan to accede to Pakistan and discuss the matter of the leased areas afterwards. The Khan did not agree.' R/3/1/166: f 37.

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Note by Steering Committee

Mountbatten Papers. Provisional Joint Defence Council Papers

1 August 1947

POSITION OF SUPREME COMMANDER AND HIS STAFF DURING RECONSTITUTION[1]

(1) The A.F.R.C. had under consideration the following draft submitted by the chairman:—

"It is necessary to make clear the position of the Supreme Commander and his staff during the next few months.

2. The Supreme Commander has been charged by the Joint Defence Council to reconstitute the Armed Forces. This is a formidable task, and for its successful execution it is essential that there shall be the minimum dislocation in the existing machinery. If this delicate and complicated machine, namely Armed Forces Headquarters, is thrown out of gear, chaos will result and this will be to the severe detriment of the Armed Forces of the two Dominions.

3. For at least four weeks after 14 August and probably longer the volume of work at Supreme Commander's Headquarters will be little less than today. In many cases the volume of work has recently increased.

4. It follows that there cannot be any appreciable reduction at present in

[1] This note was circulated by the Steering Committee on 1 August for consideration at the meeting of the Provisional Joint Defence Council to be held on 2 August. At the meeting, the C. in C. gave an assurance, with reference to para. 4, that the new headquarters of India and Pakistan would be adequately staffed, and the note was accepted in principle. Mountbatten Papers, Provisional Joint Defence Council Minutes, 2 August 1947, Case No. J.D.C. 23/4/47.

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the size of the staff of existing Armed Forces Headquarters; therefore any proposals such as a considerable move of clerks or the move of offices is quite impracticable at present.

5. It is the duty of the Supreme Commander to pass as soon as possible more and more responsibility to the Armed Forces Headquarters of the two Dominions. This will be done and as responsibility passes the staff of the Supreme Commander will be progressively reduced."

(2) The Committee unanimously accepted the draft and refer it to the Joint Defence Council for their concurrence.

Recommendation of the Steering Committee

The Steering Committee recommend that the Joint Defence Council accept in principle this general statement on the position of the Supreme Commander and his staff during the Reconstitution.

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Sir G. Abell to Mr Abbott

Telegram, R/3/1/157: f 242

CONFIDENTIAL NEW DELHI, *1 August 1947*

BY TELEPHONE

No. 3094–S. Governor's telegram 197–G of July 29th.[1]

After taking soundings here[2] Viceroy is convinced that it will be best not to press Kartar Singh. Indications are that this would have no effect especially as there is no inducement to offer.

Tara Singh's statement[3] reported on July 28th that the Sikhs should wait for the award of the Boundary Commission suggests that there may be no serious trouble for the moment.

Does Governor think that a statement by the Partition Committee as a whole without specifically quoting membership would be suitable? Swaran Singh has returned to Lahore.

[1] No. 272. [2] See No. 298. [3] See *ibid.*, note 4.

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Telephone message from Mr Abbott

R/3/1/157: f 244

1 August 1947

Your telephone message of 1st August.[1] Statements by Punjab Partition Committee. Governor has since submitted record of conversations with Kartar Singh of 30th July,[2] and says that Viceroy is clearly right in decision not to press Kartar Singh.

2. There is going to be trouble with the Sikhs. When, and how bad, the Governor cannot yet say. Raids on Muslim villages have begun in Amritsar and Lahore district and along the Jullundur Hoshiarpur border, and there have been four attacks on, or attempts to interfere with, trains in the past two or three days. Muslim casualities in Amritsar Rural area alone since night of 30th/31st July are 23 killed, including 3 women and 2 children, and 30 wounded.

3. Statement by Punjab Partition Committee, as a whole, would have no effect, and Swaran Singh would probably not dare to agree to it. Governor proposes to consult Committee again, and see how members feel. He will not press them if they are not in agreement.[3]

[1] No. 305.

[2] See Enclosure to No. 292.

[3] Lord Mountbatten minuted, on the file copy of this message in the Mountbatten Papers, as follows: 'I must make Statement in Partition Council *not* later than Wed [6 August] on this. M.' Mountbatten Papers, Official Correspondence Files: Punjab, Security Arrangements for Partition. The subsequent minutes of the Partition Council meeting on 6 August, Case No. P.C. 147/16/47, read as follows in this respect: 'His Excellency said that he regretted that the Punjab Partition Committee had been unable to fulfil the promise made to him that they should issue a statement on the lines of the one issued by the Central Partition Council, assuring minorities of fair treatment etc. The reason was that Sardar Swaran Singh had been unable to persuade any of the Sikh leaders to sign the statement; it was embarrassing for him to sign it without their support, and in such case it would have little practical value.' Mountbatten Papers.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/13/1848: ff 129–31

IMPORTANT
SECRET

INDIA OFFICE, *1 August 1947, 6.15 pm*
Received: 1 August, 10.00 pm

No. 9947. I have read with interest and admiration your speech to Rep-

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resentatives of States on 25th July.[1] I am sure that you are right in urging on States that it is in their best interests to seize Patel's offer[2] to accept federation for three subjects only.

2. We must, however, keep balance even and not ourselves add to the pressure which facts of situation place in any case on States. H.M.G. were closely questioned on this point in Parliament during debate on Indian Independence Act and we gave categorical assurances that we would exercise no pressure.

3. In this connection I am doubtful about your statement that if States do not link up with one or other Dominion, they will be cut off from any repeat any source of supplies of up to date arms or weapons. If Dominions of India and Pakistan decline to supply military equipment to States which refuse to federate, these States will seek to place orders overseas. It is true that Dominions would be physically able to prevent delivery of such orders to States lacking access to sea but some States have access to sea and we do not wish it implied at this stage that H.M.G. have reached any conclusion as to what our attitude would be towards such orders placed in United Kingdom.

4. Your statement that if States are prepared to come in they must do so before 15th August also seems inconsistent with what was said in Parliament. I am not clear why States should be given this time limit. They seem to me entitled to say that before deciding finally to adhere to one or other Dominion they wish to see constitutions of Dominions as they emerge from Constituent Assemblies and form judgment as to what sort of structure they are joining. In any case they cannot accede until Government of India Act as modified by Indian Independence Act is amended in respect of both Dominions in order to permit accession of States to be accepted. With these considerations in mind government spokesmen in Parliament made it clear that States might need some time in which to make up their minds. Indeed, this fact is surely the justification for the Standstill Agreement.

5. It is possible that we may be asked in Parliament whether your speech implies any departure from policy regarding States, particularly as stated in the Prime Minister's speeches[3] in debate on Indian Independence Act. We propose in that case to reply to the effect that policy of H.M.G. remains as indicated in Cabinet Mission's memorandum of 12th May 1964[4] and that we do not interpret your remarks as intended to imply any departure therefrom; H.M.G. share your desire that there shall be no avoidable delay on the part of the States in filling the void when Paramountcy lapses in one or other of the ways indicated in the Memorandum, namely by entering into a federal relation-

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ship with the appropriate Dominion or, failing this, entering into particular political arrangements therewith.

6. Have you any comments?[5]

[1] No. 234. [2] See Vol. XI, No. 528.
[3] See No. 262, notes 3 and 4. [4] Vol. VII, No. 262.
[5] On 2 August Sir G. Abell put up this telegram to Lord Mountbatten together with a draft reply for approval, remarking: 'I have not consulted V.P. on this but will do so if you wish.' Mountbatten replied: 'Yes please. I would like this redrafted to knock these arguments on the head.' R/3/1/139: f 66. Abell's draft is not on the file; for the reply as issued, see No. 340.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

L/P&J/10/141: ff 63–5

MOST IMMEDIATE INDIA OFFICE, *1 August 1947, 5.50 pm*
SECRET *Received: 1 August, 11.00 pm*

No. 9962. Your telegrams 3077–S[1] and 3068–S[2] of 1st August. Governors appointments.

2. Important preliminary point needs to be settled. Press this morning contains message[3] from Delhi dated 31st July saying that Indian Constituent Assembly will re-assemble at midnight on 14th August and either by resolution or otherwise will authorise Nehru to ask you to accept the Governor-Generalship, also communicating to you the names of the new Cabinet. Is this correct? If so it is exceedingly embarrassing. It does not accord with the procedure announced with great elaboration by the Prime Minister in Parliament on 10th July *vide* official report columns 2461 and 2462.[4] Further, King has now approved formal submission by the Prime Minister appointing you and Jinnah to be Governors-General from 15th August. Any attempt to undo what has been done and substitute at this stage a fresh procedure would be most difficult. Incidentally if above report is true what procedure was proposed for Governor-Generalship of Pakistan? If despite the immense difficulties you wish to advise a revision of procedure please telegraph your views most immediate for consideration of Prime Minister. If formal announcement of the appointments of the Governors-General were to be deferred to the 15th August it is difficult to escape the conclusion that it would be necessary to defer to the same date the announcement of the appointments of all the new Governors which would be another most unfortunate development.

[1] and [2] See No. 293, note 3.
[3] A copy of this message is on L/P&J/10/136: f 206.
[4] The column references cited here are incorrect. The full reference for Mr Attlee's remarks on the procedure for the appointment of Governors-General is as follows: *Parl. Debs.*, 5th ser., H. of C., vol. 439, 10 July 1947, cols. 2448–50.

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3. Assuming that procedure for Governors-General is to stand I am strongly averse from holding up release of announcement of appointments of Governors. Among other things there is the always grave risk of leakage of names. In order to give you time to comment I am holding up announcement contained in my 9925 of 31st July[5] until 18.00 D.B.S.T. Sunday with embargo on broadcasting till 00.30 Monday with a view to publication in Monday morning's papers. I do not think it ought to be deferred later. It would no doubt have been preferable to have complete list but it does not seem particularly embarrassing, whatever speculation there may be as to the cause, if, as will be the case, there are two Governors left over for further announcement, namely Central Provinces and East Bengal. I cannot make a submission to the King about the former until it is decided as to whether the appointment is to be that of the Governor of Central Provinces and Berar or Governor of Central Provinces. Accordingly, the announcement of this appointment must it seems to me be deferred until after the Nizam's views have been obtained.[6] I shall be most reluctant to defer publication of the whole list beyond Monday morning.[7]

4. Reverting to paragraph 2 above it occurs to me that if it is essential to bring in the Constituent Assembly in some fashion it might be possible that this should take the form of a resolution to the effect that the Assembly welcomes and endorses the action of Nehru in having recommended that you should be appointed Governor-General of India from 15th August. I cannot, of course, judge from here what is practicable *vis-a-vis* the Constituent Assembly but some solution of that kind if indeed anything at all is needed would save great embarrassment.

[5] L/P &J/10/141: f 72. [6] See No. 293. [7] ie 4 August.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/12/1821: f 14

IMMEDIATE INDIA OFFICE *1 August 1947, 8.05 pm*

CONFIDENTIAL

No. 9980. Your telegram dated 25th July No. 2935-S.[1] I am sorry that the Prime Minister of Afghanistan was unable to see Jinnah but am glad to know that Pakistan Government are considering their attitude towards tribes.

2. While Ismay was here Croft discussed with him briefly possibility of promoting exchanges of views between Pakistan and India (and ourselves if invited) on problem of North West Frontier defence and relations with the

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tribes of Afghanistan. I am sending you a memorandum[2] suggesting stages in which this problem might be approached. This has been shown in draft to the Foreign Office and Cunningham and embodies their comments.

3. As we see it, Pakistan must first settle its policy and announce to the tribes decisions regarding allowances and methods of control and defence. Action on this is important before 15th August owing to lapse of tribal agreements and need for some arrangement for carrying on pending final settlement as in analogous case of Indian States. Thereafter, if Pakistan wishes for consultation and help from India and H.M.G., the consultations should proceed in Joint Defence Council with a view to common policy being put jointly to Afghan Government in Kabul on behalf of all three Commonwealth Governments.

4. Our readiness if so desired to take part in consultations with a view to a joint policy should not, of course, be taken as implying any financial commitment.

[1] See No. 198, note 5. [2] Enclosure to No. 310.

310

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

L/P&S/12/1821: 12–13

1 August 1947

I mentioned in my telegram of 1st August[1] that I was sending you a memorandum which we had put together here[2] about the problem of the North West Frontier Tribal Area and Afghanistan. I now enclose this paper which has been seen in the Foreign Office and generally agreed; we have also had the benefit of Cunningham's advice. He emphasises[3] that the possibility of collaboration by H.M.G. in these arrangements would have to be advanced very cautiously and we are, of course, fully alive to the danger of seeming to intervene in these matters without being asked. We are very conscious that the initiative in this matter must come from Pakistan in the first instance, as the Government primarily concerned with relations with their next door neighbours.

We should hope, however, that they would appreciate the wider aspects (paragraph 3 of the memorandum) in which the whole Commonwealth cannot fail to be interested and will realise that India and H.M.G. may each

[1] No. 309.
[2] ie the External Department of the India Office.
[3] Sir G. Cunningham's letter of 21 July to Mr Donaldson (head of the India Office External Department) is on L/P &S/12/3282: ff 43–4.

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have a part to play in a joint policy. We should readily consider any approach leading towards a joint policy.

I feel confident that if concrete proposals are made to us my colleagues will be very willing to examine them with the utmost sympathy.

LISTOWEL

Enclosure to No. 310

NORTH WEST FRONTIER TRIBAL AREA AND AFGHANISTAN

Speaking in the Debate on the Committee State of the India Bill in the House of Commons on 14th July, the Prime Minister said that the important matter of the North West Frontier and its defence was "very much in the minds of both successor Governments and there is a joint Defence Council to consider it".[4] We gather that this question will not strictly be within the purview of the Joint Defence Council when constituted, but that the Viceroy would be likely to agree, if the Indian leaders consented to this course, to include this question within the scope of the discussions of the Council. The Prime Minister has indicated the willingness of H.M.G. to enter into the discussions if desired.

2. The basic factors, which need no elaboration here, are:—

(a) the potential danger to the peace of the common border of the war-like inhabitants of the tribal areas, and

(b) the economic weakness of the tribes on both sides of the border.

3. From the wider view-point account must also be taken of:—

(c) the need for a strong and independent buffer State between the Commonwealth and Soviet Union, and

(d) the provisions of the Anglo-Afghan Treaty of 1921 the rights and obligations arising from which will hereafter devolve, primarily upon Pakistan, but to a lesser degree upon the new India. (It has to be borne in mind that, whereas the International Treaty subsists after the transfer of power, the Tribal Agreements, like the Indian States Treaties, lapse, and in default of some interim arrangement there would be a vacuum pending negotiations for new Agreements with the Tribes).

4. The following in broad outline, might be the successive stages in which the problem could be approached by the several interested parties:—

(a) The Pakistan Government should consider and settle the policy it intends to adopt in regard to

(i) the continuation of allowances—the key to the situation,

(ii) the maintenance of political control in the agency areas, and

(iii) the organisation of forces (scout and militia formations backed by

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regular ground troops with air support) to provide for watch and ward and frontier defence;

(b) The Pakistan Government would approach the tribal jirgas with an offer of some form of association with the new Dominion corresponding to the approach which is being made by the successor authorities to the Indian States, "standstill" agreements being concluded to cover the interim period;

(c) If the Pakistan Government reach the conclusion that, because of the all-India character of the problem of frontier defence, the Government of India should be brought in there should be joint consultation and if there was a further desire to extend the consultation so as to include H.M.G. a proposal to this effect would be sympathetically considered;

(d) In any event it would be desirable to promote discussions between the two Dominion Governments on the extent to which each will respectively undertake in future the obligations devolving upon them under the Anglo-Afghan Treaty and the fulfilment of what may be regarded as Commonwealth policy designed to secure the independence and stability of Afghanistan as a buffer State between the Commonwealth and the U.S.S.R.

5. Items which it would seem most urgent to cover in any discussions under (d) above are

(a) transit facilities and customs exemptions for Afghan goods passing through Pakistan and Indian territory;

(b) the supply of military equipment (including aircraft) at concessional rates and the provision of instructors and training facilities for the Afghan forces; and

(c) financial, economic and cultural assistance to the Afghans.

6. The final stage would be that when a common policy has been worked out on the Commonwealth side a joint approach would be made in Kabul to the Afghan Government.

♦ *Parl. Debs.*, 5th ser., H of C., vol. 440, col. 113.

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311

Commonwealth Relations Office to British High Commissioners in Canada, Australia, New Zealand and South Africa

Telegram, L/P&J/10/133: f 55

TOP SECRET AND PERSONAL *1 August 1947, 8.35 pm*

No. 65. Please refer to Prime Minister's message of 14th June[1] regarding proposed alteration of the King's title by the omission of the term "Emperor of India".

Legislation has now been passed in the United Kingdom and in Canada authorizing the necessary action for the issue of a Royal Proclamation amending the title, but such action has not yet been found possible in Australia, New Zealand and South Africa. In the circumstances we have reached conclusion that proper course is to defer issue of formal Proclamation until the other Commonwealth countries concerned have taken necessary Parliamentary action. At the same time it seems desirable, more particularly in relation to documents concerning the two new Indian Dominions, that the style "Emperor of India" should be discontinued after the 15th August. We understand that the omission of this style in formal documents in anticipation of the issue of the Proclamation is not likely to give rise to legal difficulty.

In the circumstances the King has approved a proposal that for all official documents issued here after the 15th August the words "Emperor of India" should be omitted, and that the King's signature should be "G.R." and not "G.R.I.".

Please inform Dominion authorities accordingly, and, so far as Australia, New Zealand and South Africa are concerned, please ask them to keep us informed of progress of their Parliamentary action.

Repeated Dublin for information.

[1] Vol. XI, No. 203.

312

Sardar Patel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Joint Defence Council, Part (a)

NEW DELHI, *2 August 1947*

My dear Lord Mountbatten,

The composition of the Joint Defence Council, in our opinion, requires some

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reconsideration. Originally, when it was decided that it should consist of a Governor-General or Governors-General, two Defence Members and the Supreme Commander, the general impression was that there would be only one Governor-General and, therefore, there was no question of unequal representation of India and Pakistan. Now, if the composition is adhered to, you would be its independent Chairman while Pakistan would be represented both by its Governor-General and its Defence Member. As against this, India would be represented only by the Defence Member. This difference is further accentuated by the attitude recently displayed by the Commander-in-Chief about which Jawaharlal has already written to you.[1]

We feel, therefore, that the representation of India on the Joint Defence Council should be further strengthened by the addition of another Minister. We fully realise that it would be possible for the Defence Minister to bring with him another colleague to assist him in the deliberations of the Joint Defence Council. You will doubtless concede that this is not the same thing as having another Minister with full membership rights. On the other hand, the addition of one representative will restore the balance between the two Dominions and should not matter to Pakistan Government since there is no question of majority decisions.

We should be grateful if you would give this matter early consideration so that it could be put before the Partition Council either today or at its next meeting.[2]

Yours sincerely,
VALLABHBHAI PATEL[3]

[1] See No. 247.

[2] This letter was considered at the Viceroy's 66th Staff Meeting (Item 10) held at 12.15 pm on 2 August. Mr Menon then suggested that he should discuss the letter with Sir C. Trivedi to which Lord Mountbatten agreed. Mountbatten Papers.

[3] At a meeting of the Provisional Joint Defence Council on 5 August Mr Jinnah agreed to the name of the Governor-General of Pakistan being deleted from the list of members of the Joint Defence Council provided that the relevant paragraph in the Draft Joint Defence Council Order was amended to read: 'The Governor-General of India shall be *independent* Chairman of the Joint Defence Council.' (Emphasis in original). Mountbatten Papers, Provisional Joint Defence Council Minutes, Case No. J.D.C. 40/6/47.

313

Mr V. P. Menon to Sir P. Patrick

L/P&S/13/1848: ff 101–4

AIRMAIL GOVERNMENT OF INDIA, STATES DEPARTMENT,
NEW DELHI, *2 August 1947*

My dear Patrick,
I have been wishing to write to you about our negotiations with the States but

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have been really in a frightful rush all these days. You would now have known that quite a number of Indian States have expressed their desire to accede to the Dominion of India on the subjects of Defence, External Affairs and Communications. I enclose a copy of the Instrument of Accession as it has been finalised after discussions with the States Negotiating Committee; also a copy of the communiqué which we put out this morning. I also send herewith a copy of the Standstill Agreement which has been agreed upon with the States.

2. I am sure you will agree that our first bag of States who have declared their accession outright is most encouraging and that the fact that Travancore was practically the first State to intimate its decision[1] is a great triumph for H.E. I have now no doubt whatever that with the possible exception of Hyderabad, Bhopal and Indore and one or two waverers, all the States will accede.

3. Hyderabad has not yet intimated its decision about accession: H.E. feels that Hyderabad would come in. I also think that Indore who is now in the Bhopal Group will eventually accede. Both Bhopal and Indore are here and we will know the result in a day or two.

Yours sincerely,
V. P. MENON

Enclosure 1 to No. 313

INSTRUMENT OF ACCESSION OF[2].....

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I.....
Ruler of .....
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of.....

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(hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

[1] See No. 284.

[2] In the event, the States Department of the Government of India invited only the 140 full-powered States to accede to the Dominion of India upon the terms laid down in the Instrument of Accession. The 327 non-jurisdictional estates and *talukas* situated in Kathiawar and Gujarat expressed a desire to be freed from the larger States to which they had been adjoined as a result of the Attachment Scheme of 1943 and to be administered by the Dominion Government as in the pre-attachment period. A revised form of Instrument of Accession suitable for their status and requirements was prepared for them. The rulers of some 70 intermediate States, located in Kathiawar, Central India and the Simla Hills, who exercised limited powers were asked and subsequently agreed to accede upon the basis of such powers as they exercised at the time of the lapse of paramountcy. R/3/1/140: ff 74–8.

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8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August, Nineteen hundred and forty-seven.

.....

I do hereby accept this Instrument of Accession.

Dated this.....day of August, Nineteen hundred and forty-seven.

.....

(Governor-General of India)

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. *Defence*

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an Acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; fire-arms; ammunition.

4. Explosives.

B. *External Affairs*

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

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3. Naturalisation.

C. *Communications*

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. *Ancillary*

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

Enclosure 2 to No. 313

[*2 August 1947*]

A special communiqué[3] from Viceroy's House begins:

[3] The text of this communiqué is to be found on L/P &S/13/1848: f 124.

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"Following a conference of Rulers and States' representatives held on 25th July,[4] which was presided over by the Viceroy, the States Department has been engaged in discussions with the Rulers and their representatives on the terms of the Instrument of Accession and the Standstill Agreement. These documents are now finalised and accepted by the representatives of the States.

"The States Department are sending copies to the States for signature. It will be recalled that the Viceroy had discussions with Sir C. P. Ramaswami Iyer, Dewan of Travancore, when the latter was in Delhi.[5] As a result of these discussions, the Maharaja of Travancore has now agreed to accede to the Dominion.[6] Before he left Delhi, the Gaekwar of Baroda also informed the Viceroy that Baroda would accede. Their Highnesses, the Maharajas of Cochin and Rajpipla likewise expressed their desire to accede to the Indian Dominion.

"The Viceroy had informal consultations today with Rulers of the Indian States who are at present in Delhi. The Rulers of the following States have expressed their readiness to accede to the Dominion: Gwalior, Patiala, Kotah, Bikaner, Jodhpur, Dungarpur, Dhar, Nawanagar, Jhalawar, Panna, Tehri-Garhwal, Faridkot, Sangli, Sitamau, Palitana Phaltan, Khairagarh and Sandur.

"Most of the other States are understood to be willing to accede, but in the discussions at Delhi, they were represented by their Ministers, who cannot formally commit them to accession. These Ministers are now returning to their States at once, in order to place the instruments before their Rulers. It is expected that barring a few who have not finally made up their minds, all the States will have signed the Instrument of Accession by August 10th."

Enclosure 3 to No. 313

AGREEMENT BETWEEN THE STATE OF.....
AND THE DOMINION OF INDIA

WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern, should continue for the time being between the Dominion of India or any part thereof and the Indian States:

Now therefore it is agreed between the State and the Dominion of India that:—

1. (1) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof, and the State.

(2) In particular, and without derogation from the generality of subclause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement.

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2. Any dispute arising out of this Agreement, or out of the agreements or arrangements hereby continued, shall, unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration according, as far as may be, to the procedure of the Indian Arbitration Act, 1899.

3. Nothing in this Agreement includes the exercise of any paramountcy functions.

.....State.

.....
Secretary to the Government of India

SCHEDULE

1. Air Communications.
2. Arms and equipment.
3. Control of commodities.
4. Currency and coinage.
5. Customs.
6. Indian States Forces.
7. External Affairs.
8. Extradition.
9. Import and Export Control.
10. Irrigation and Electric Power.
11. Motor vehicles.
12. National Highways.
13. Opium.
14. Posts, Telegraphs and Telephones.
15. Railways (including police and other arrangements in Railway lands).
15. Salt.
17. Central Excises, relief from double income-tax and other arrangements relating to taxation.
18. Wireless.

[4] See No. 234. [5] See No. 228, paras. 16–19. [6] See No. 284.

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Sir G. Abell to Mr Harris

L/P&J/10/10/122: ff 9–12

NO. 1446/5 THE VICEROY'S HOUSE, NEW DELHI,
2 August 1947

My dear Ronald,
I enclose copy of a letter from Sir B. N. Rau giving an opinion about the matter of secession. This may possibly be of interest to you in the India Office.

Yours sincerely,
GEORGE ABELL

Enclosure to No. 314[1]

My dear Abell,

As desired by you, I have examined the vexed question of secession, particularly the point whether there is any difference as to the right of secession between one Dominion and another.

I should like to mention at the outset that the subject is one on which there is still room for controversy.

Professor Keith's views as to the right of a Dominion under the Statute of Westminster to secede from the Commonwealth will be clear from the following extracts from his book "The Dominions as Sovereign States", 1938. The date of this book is important, because it was written not only after the enactment of the Statute of Westminster, but also after the enactment of the Irish Constitution of 1937 in which Ireland is described as a sovereign, independent, democratic State:—

> "The United Kingdom and the Dominions recognise the same sovereign, and the fact is solemnly recorded in the preamble to the Statute of Westminster in accordance with the decision of the Imperial Conference of 1930: 'It is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the succession to the throne or the royal style and titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom'. The declaration thus solemnly asserts that any change in the succession must be made by common action, and it is inevitable that the

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conclusion should thence be derived that the union of the parts of the Commonwealth is one which cannot be dissolved by unilateral action.

* * *

"What is obvious and is never denied is that, if any Dominion should really decide to sever itself from the Empire, it would not be held proper by the other parts of the Empire to seek to prevent it from doing so by the application of armed force. This is a doctrine which was recognised as early as 1920 by Mr. Bonar Law, and has often been admitted since. Most recently it was made clear in the discussions of the attitude of the Irish Free State in the matter of the oath and the withholding of the land annuities and other payments due to the British Government that, if the Free State should determine to declare itself a republic, the British Government would not make war to prevent such a result. But that view, of course, has nothing to do with the legal aspect of the case.

"From the legal point of view the matter is *prima facie* simple enough. The Dominions were created as organised Governments under the British Crown, and there is no provision in their constitutions which contemplates that they have the right to eliminate the Crown, or to sever their connection with it. The language of the British North America Act, 1867, is emphatic; the Act was passed to unite the provinces in a federal union under the Crown of the United Kingdom. The Commonwealth of Australia Constitution Act, 1900, is based, as the preamble states, on the agreement of the people of the colonies of Australia to unite in one indissoluble federal Commonwealth under the Crown of the United Kingdom. The South Africa Act, 1909, was passed in order to unite the colonies in a legislative union under the Crown of the United Kingdom. The Irish Free State was created by an agreement which assigns to it the same place in the Empire as is enjoyed by Canada.

* * *

"It is not surprising that in face of these facts General Smuts has consistently maintained in the past, and even now perhaps holds, that even the King himself could not with due regard to his duty assent to a measure of a Dominion Parliament purporting to destroy the connection with the Crown, and that still less could the Governor-General exercise the power. It is indeed now seriously open to argue that to effect separation there would in law be necessary an Imperial as well as a Dominion measure, and that

[1] The original of this letter, dated 1 August 1947, is on R/3/1/152: ff 9–11.

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under the principle enunciated by the Statute of Westminster the concurrence of the other Dominions would also be requisite."[2]

It is clear from these extracts that according to Keith neither Canada nor Australia nor South Africa nor Ireland nor any of the other Dominions under the Statute of Westminster can legally secede from the Commonwealth by unilateral action and that in order to effect a valid separation there would be required in addition to a Dominion Act, an Act of Parliament of the United Kingdom passed with the concurrence of the other Dominions.

On the other side, we have another authority, K.C. Wheare who in his book, "The Statute of Westminster and Dominion Status" (also published in 1938), after discussing the judgment of the Privy Council in *Moore v. Attorney-General for the Irish Free State* [1935] A.C. p. 484, goes on to say: "It would follow, too, that any enactment of the Oireachtas [the Irish Parliament] to abolish the monarchy, or to provide for secession from the Commonwealth, or to declare neutrality, would in strict law be valid."[3]

The question was considered by the King's Bench Division in *Murray v. Parker* in 1942. The Chief Justice Lord Caldecote's view (in which the other judges concurred in effect) was:—

> "The removal by the Statute of Westminster in 1931 of any restriction upon the power of the Legislature of the Irish Free State to pass legislation, whether repugnant or not to an Imperial Act, did not either expressly or by implication provide for any separation, described sometimes as the right to secede, from the British Commonwealth of Nations. Nor at any time, so far as I am aware after listening to the agreement [argument] of the appellant, has it ever been declared in terms by the Government of Eire, that the so-called right to secede has in fact been exercised. . . . If I am wrong in the opinion I have thus expressed, it would still be a matter for consideration whether secession by Eire could be effective unless and until the other members of the British Commonwealth of Nations had given recognition to Eire as a foreign state."

6. The balance of authority at present would thus seem to be in favour of Keith's view. On that view, there is no right of secession under the Statute of Westminster either for Canada, or Australia or South Africa or Ireland by any unilateral act.

The terms of the Indian Independence Act are wider than those of the Statute of Westminster. In the first place, there is no restrictive preamble to the Act; secondly, section 6(2)[4] of the Act expressly permits repeal of the Act itself (so far as it is part of the law of the Dominion) by Dominion legislation; finally the name[5] of the Act is significant. For these reasons, the position of India in

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respect of the right of secession may be different from that of the Dominions under the Statute of Westminster.

Yours sincerely,

B. N. RAU

[2] Arthur Berriedale Keith, *The Dominions as Sovereign States: Their Constitutions and Governments*, London, 1938, pp. 100–103.
[3] K. C. Wheare, *The Statute of Westminster and Dominion Status*, Oxford, 1938, p. 270.
[4] No. 164. [5] i.e. Indian Independence Act, 1947.

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Mr Christie to Mr Tyson

R/3/1/149: f 96

NO. 1299/2 *2 August 1947*

My dear Tyson,

Two of the points you asked me on Wednesday to look into were, (a) Governor's letters and (b) destruction of records.

As regards Governor's letters, these are not printed up now. The practice ended with Lord Linlithgow's Viceroyalty. Copies of letters are sent by Governors to the India Office who keep them for some time. It has been decided here that no further record is necessary, and, having sent Lord Wavell a set for his private use, we propose to destroy what is left with us of his correspondence. I have no doubt that the present Viceroy will also keep one full set for his own use.

I gathered that the point on which you wished to be assured was that one complete set of letters from Governors of Bengal was available somewhere. I am writing to Ronald Harris, India Office, to confirm that they have a complete set, and to find out how far back the set goes.[1]

As regards destruction of records, I have looked up George Abell's letter No. 1299/2 of the 23rd March,[2] and have verified from him that there is nothing to add to the instructions in paragraphs two to four of that letter.

We have ourselves destroyed almost all our records up to 1943, and have reduced the remainder to approximately two days' destruction.[3]

I will write to you separately about cyphers.

Yours sincerely,

W. H. J. CHRISTIE

[1] It was duly confirmed that there was 'on record in the India Office a complete set of all fortnightly letters since they were started in 1937' and that it was proposed 'to retain them permanently'. Rumbold to Christie, 11 August 1947. R/3/1/149: f 98.
[2] Vol. X, No. 7. Certain records of the Bengal Governor's Secretariat were transferred to London; see *ibid.*, note 2.
[3] It should also be noted that in 1948 a number of policy files from the P.S.V's Office, dating mainly from the period 1945–47, were sent to London. These are now available for consultation in the India Office Records as R/3/1/80–178. Also transferred were a number of files dealing with 'Honours' questions. In 1946 a number of printed volumes of Viceregal papers, mainly consisting of Lord Linlithgow's correspondence with Provincial Governors, had been sent to the India Office.

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The Earl of Listowel to Mr Attlee

L/E/9/1514: ff 196–8

INDIA OFFICE, *2 August 1947*

Secretary of State's Minute: Serial No. 138/47

Prime Minister,

I have been considering, in consultation with the Foreign Secretary, the question of the succession to the present Indian membership of the United Nations Organisation. You will recall that the India and Burma Committee agreed[1] that we should regard India as continuing the international personality of the former "India" and as succeeding, where appropriate, to its international rights and obligations, including membership of the United Nations. This view has been communicated to the Indian leaders, but it has not yet been made public. We know that our interpretation is accepted by Congress,[2] but it has not so far been accepted by the Moslem League.[3]

2. If our view regarding India's position is accepted internationally it will be necessary for Pakistan to seek membership of the United Nations Organisation. Under the normal rules of procedure applicants for membership who wish to be considered for election during the present year's Assembly commencing in September must apply in time for a recommendation to be formulated by the Committee on Membership before 10th August. There is no indication that the Pakistan authorities have submitted any application to the United Nations, nor is there any evidence that they are alive to the danger that unless application is made during the next few days they may be unable to secure membership before the end of 1948. Since it is important that we should do whatever is possible to ensure that Pakistan does not find herself in any worse position than India internationally, I propose to telegraph to the Viceroy in the terms of the attached draft,[4] asking him to ensure that Mr. Jinnah is acquainted with the position.

3. I should mention that a draft reply was recently prepared to a question (which was subsequently withdrawn) by Reid, in which a statement of views in regard to the international position of India and Pakistan as endorsed by the India and Burma Committee was set out. This proposed reply, which stressed that H.M.G. would do all in their power to secure that Pakistan should be "accepted as a new member of the family of nations", was telegraphed[5] to the Viceroy who indicated[6] that he was in agreement with its terms. Whilst it was

[1] See Vol. XI, No. 244, Minute 2.
[2] *Ibid.*, No. 479, para. 1(d).
[3] *Ibid.*, No. 463, point (v).
[4] Not printed. For the telegram as issued, see No. 328.
[5] Tel. 9763 of 28 July. L/E/9/1514: f 234.
[6] Tel. 3037-S of 30 July. *Ibid.*, f 226.

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eventually found unnecessary to make the statement we have this evidence that Lord Mountbatten does not see any reason arising out of the past attitude of the Moslem leaders for modifying the view previously formulated.

The Foreign Office concur in the proposed telegram.[7]

LISTOWEL

[7] A note by Mr Addis on the Prime Minister's file reads as follows: 'The P.M. discussed this by telephone yesterday morning with Sir A. Carter. As the result of this, the draft telegram was approved and has been despatched. J.M.A. 4/8.' P.R.O. Prem 8/569.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET INDIA OFFICE, *2 August 1947*

Dear Mountbatten,

Thank you for your letter of 25th July[1] enclosing Personal Report No. 14.[2]

2. I very much hope that within the next two or three days it will be possible to issue the announcement about the formal appointments of yourself and Jinnah as Governors-General and about the appointments of Governors. To-day's reference in "The Times" to the intention of the Constituent Assembly to meet at midnight on 14th/15th August and, as their first act, invite you to be Governor-General of the Dominion of India, about which I have telegraphed to you,[3] is rather disconcerting but I hope it can be got round. On the whole, I think that the two new Dominions will get a good start so far as Governors are concerned. I must confess that the new Indian names for Governorships in India do not, with one notable exception, mean very much to me but the experience of Nye, Colville, Trivedi and Hydari should prove of inestimable value. The exception among the new Indian Governors to which I refer above is, of course, Rajagopalachari whose qualities should have ample scope in Calcutta. As for Pakistan, Cunningham will, of course, be a tower of strength. It was hardly surprising that Killearn eventually was obliged to decline Eastern Bengal[4] and I fear that Jinnah may find it very hard to get anyone of the necessary calibre to take the job on. As regards Baluchistan, about which I telegraphed,[5] Weightman was quite ready to travel from the North to discuss the matter with me although he was fully convinced that he ought not to take the job on.[6]

[1] No. 227. [2] No. 228. [3] See No. 308.
[4] See Vol. XI, No. 478, note 3. [5] See No. 178.
[6] See correspondence ending with No. 233.

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3. I am having some enquiries made about providing you with a "Dominions" expert,[7] but I would be misleading you if I were to hold out any concrete hopes at this stage of being able to meet your need.

[Para. 4, on the terms being offered to I.M.S. officers on appointment to the Colonial Medical Service, omitted.]

5. I much appreciated what you said in paragraph 17 of your letter about the passing of the Indian Independence Act and I feel sure that all the officials and ministers concerned, to whom I have passed on your message, will appreciate it equally.

6. I must confess to having some doubts about the line which you took at your meeting[8] with the delegation from Kalat on 19th July. The treaties of 1854 and 1876 do not lead to the inference that Kalat is an independent and sovereign state and it has, in fact, always been regarded as an Indian State. It figures as such in Part II of the First Schedule of the Government of India Act, 1935, and I have no doubt that, as a matter of law, Section 7(1) (b) of the Indian Independence Act[9] applies to our treaties with it. Consequently, the leased areas lapse to Kalat and the future is a matter for negotiation between the State and Pakistan. We have been at pains in Parliament to discourage claims by States to be regarded as separate international entities and to accept such a claim by Kalat will surely encourage other States to press similar claims. There is, moreover, particular danger in admitting such claims by frontier States since it is easier for them to make their independence effective. Apart from the risk to the integrity of India and Pakistan, the emergence of new weak international entities is undesirable. It seems to me, therefore, that any possible simplification of the problem of the areas leased by Kalat is outweighed by the general considerations set out above.

7. I was greatly interested in your account of your talk with the Dewan of Travancore and of your further talk with the Hyderabad Delegation on its return from seeing the Nizam. C. P. Ramaswami Aiyar, is by all accounts, a past master in verbal diplomacy, and I congratulate you on having brought him to admit openly the danger to Travancore of pursuing a policy of independence. The Nizam is, no doubt, a very different proposition, since he is an incalculable creature and may not be wholly susceptible to reasoned arguments in this matter. If, however, what appears in a press message[10] from Hyderabad in today's *Times* is well-founded, your efforts with both these States have been crowned with success and they have agreed to treat for accession to the Union of India.

8. I have telegraphed[11] to you some comments on the speech you made on 25th July[12] to the representatives of the States. It is still not altogether clear to me how the States can, in fact, be expected to complete by the 15th August the

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process of adherence to the constitution of India, even if this is limited to three subjects. The draft Instrument of Accession, of which you sent a copy,[13] would seem to open up various questions, such as the method of administration of the federal subjects in the States, which would require their careful examination. No doubt also there may be hesitation among the British-Indian negotiators about accepting a reservation, such as you discussed with the Dewan of Travancore,[14] of the right to secede in the event of the Union of India leaving the Commonwealth. I had myself rather expected that the most that could be achieved before the 15th August would be an agreement on the part of the Union of India authorities to extend external protection to the States which were in process of negotiating terms of accession. The conclusion of the Instrument of Accession must surely be dependent on the constitution having been so amended as formally to provide for the admission of Indian States, and a completed constitution might contain other elements which would affect the States, notwithstanding their accession being limited in terms to external affairs, defence, and communications. If, therefore, in the long run it is found impossible to secure the final accession of the key States you mention before 15th August, I think we shall feel well satisfied if these and the rest agree to be represented internationally for the time being by the appropriate Dominions while the negotiations are in process of completion, and I should hope that Patel would prove reasonable on such an accommodation, which would not be at variance with paragraph 5 of the Cabinet Mission's Statement of 12th May 1946.[15] Such an arrangement, together with the standstill arrangement[16] in economic and financial matters provided for in Section VII of the Indian Independence Act,[17] would relieve us of responsibility for the States while acquitting us of any charge of having exercised undue

[7] See Nos. 166, para. 24 and 227, para. 13.
[8] See No. 174; also No. 263. [9] No. 164.
[10] A report from Hyderabad dated 31 July, which appeared in *The Times* on 1 August, declared: 'According to informed political quarters here, Hyderabad is to accede to the Dominion of India, and representatives of the State have gone to Delhi to discuss the matter with Indian Government officials.' The report referred to the Nizam's announcement on 12 June (see Vol. XI, No. 163) to the effect that he would in law be entitled to resume his status as an independent sovereign upon the lapse of paramountcy and attributed the 'reversal of this decision' to the draft Instrument of Accession submitted by Lord Mountbatten at the conference with representatives of the States on 25 July (No. 234). The report continued: 'If Hyderabad accedes to India it will be the second State to change its mind since the conference between the Viceroy and the princes. Travancore, which announced its intention to declare its independence on the same day as Hyderabad, decided yesterday to join the Dominion.' A further report from Delhi dated 1 August, which appeared in *The Times* on 2 August, referred to the 'blitz tactics', used to produce such decisive results in British India, which were now being applied to the Indian States. The report alluded to Travancore's 'change of front' but declared with reference to Hyderabad: 'Negotiations regarding its future relations, both with India and Pakistan, are continuously in progress and, although the Nizam is apparently opposed to the use of an instrument of accession such as other States have used, alternative forms of association may be devised.'
[11] No. 307; see also No. 262. [12] No. 234.
[13] See Enclosure 1 to No. 313. [14] See No. 228, para. 19.
[15] Vol. VII, No. 262. [16] See Enclosure 3 to No. 313. [17] No. 164.

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pressure on them to enter the new Dominions on terms against their better interests.[18]

9. Pakistan clearly has a much simpler problem in dealing with the small number of States adjacent to its territory, and individual negotiations with each of these is clearly possible. No doubt Kashmir will claim as a price of accession acceptance by Pakistan of the existing customs arrangement whereby it imports goods from abroad free of duty. I shall be most interested to hear how the negotiations with the States progress, and we shall be asking Shone and Grafftey-Smith to keep us informed after the 15th August, more especially since Parliamentary interest in this matter is still keen.

10. I am sorry I troubled you unnecessarily with a reminder (telegram No. 9711)[19] about the Resolution on the Services. The wording of the Resolution finally agreed upon is as follows:

> "That this House, on the occasion of the transfer to Indian hands of the responsibility for the affairs of India, wishes to place upon record its profound appreciation of the ability and devotion, with which, during the long period of British rule, the Civil and Military Services of the Crown in India have served India and its peoples."

I understand that the Prime Minister is now exploring the possibility of associating the Opposition parties with the Resolution, which will be moved and voted in both Houses before Parliament rises at the end of next week.

11. I was, of course, interested in the report[20] of the Union Constitution Committee of the Constituent Assembly presented by Nehru on 21st July. At this end the emphasis in the report on the objective of a sovereign independent republic strikes a somewhat incongruous note at this moment and it seemed possible that it might give rise to some awkward questions in Parliament seeing that the Indian Independence Act had been passed at unprecedented speed on the basis of dominion status. However, the report has had no awkward repercussions here so far.

12. I was interested in the reference in Dow's fortnightly letter[21] (D.O. No. 156–GB) to the possibility of a reunion of Bihar with Western Bengal. No doubt this is the right long-term solution. The coalfields and other material assets in Bihar, for example, the very important Asansol Railway junction, would greatly help stimulate the prosperity of Calcutta and Patna would be able to revert to its former and natural obscurity but the amalgamation would put a lot of local politicians in Bihar out of business and is hardly likely to appeal to the Congress High Command as an immediate measure.

13. It is clear that between now and August 15th Ministers here will be deluged with requests of one kind or another for "messages" for publication on 15th August. I think the best solution will be for a single message to be

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sent from His Majesty's Government to the Governments of the two new Dominions and that all other requests for messages should be declined. In this connection I have seen a telegram[22] from Canada saying that the Canadian High Commissioner at Delhi has arranged with the Government of India that, since the posts of Prime Minister "are still in the air", messages for the two new Dominions should be sent, not from Prime Minister to Prime Minister, but from Minister of External Affairs to the two Ministers of External Affairs and Commonwealth Relations at Delhi and Karachi. I should be very grateful if you would confirm by telegram[23] that this is, in fact, the position and that H.M.G's message should, therefore, go from the Secretary of State for Commonwealth Relations to his opposite numbers in the two new Dominions.

[Para. 14, on Zoffany portraits lent to Viceroy's House, omitted.]

15. I am very glad you have been able to pay a visit to Bengal as I feel sure that your presence in Calcutta at this time will have had a heartening effect in political and administrative circles and a reassuring effect on the population.

Yours sincerely,

LISTOWEL

[18] On 7 August Sir G. Abell informed Mr Menon that Lord Mountbatten wanted the latter to draft a full reply to this paragraph and also a more considered statement for inclusion in his next Personal Report for circulation to the Cabinet because he (Mountbatten) was 'anxious that the U.K. Cabinet should not misunderstand the position about the States'. R/3/1/139: f 170.

[19] Not printed.

[20] For the text of the report, which was dated 4 July 1947, see B. Shiva Rao, *The Framing of India's Constitution: Select Documents, vol. 11*, New Delhi, 1967, pp. 574–91.

[21] Dated 11 July 1947. L/P &J/5/182: f 27.

[22] Not traced.

[23] Lord Mountbatten's response to this request has not been traced. The subsequent decision of the India and Burma Committee, however, was that H.M.G's message on 15 August should be sent to the Prime Ministers of the new Dominions. See No. 339, Minute 4. A telegram to this effect, No. 674 of 8 August, was sent to the British High Commissioner in Canada. L/P &J/10/136: f 200.

318

Message from Sir C. Radcliffe to Sir G. Abell

R/3/1/157: f 245–6

2 August 1947

There is a difference of opinion among the members of the Bengal Boundary Commission as to the scope of their duty in respect of Sylhet. The wording of their Terms of Reference[1] is as follows:— "The Boundary Commission is instructed . . . contiguous Muslim majority areas of the adjoining districts of Assam".

2. Two members of the Commission take the view that the adjoining districts include all parts of Assam that join Bengal, even if they do not adjoin

[1] See Vol. XI, No. 415.

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Sylhet and that the Commission is, therefore, intended to ascertain contiguous Muslim areas of such districts (Goalpara) and transfer them to East Bengal. Two other members take the view, on the other hand, that the only districts of Assam that the Commission should consider are those that in fact adjoin Sylhet and that it is only the contiguous Muslim majority areas of those districts that should go with the Muslim areas of Sylhet to East Bengal.

3. If I have to decide between these two views I should, with some hesitation, adopt the latter. I think that it accords better with the natural meaning of the words used in our Terms of Reference, and with paragraph 13 of the statement[2] of the 3rd June, 1947. I think also that it would be to some extent anomalous that a referendum in Sylhet in favour of amalgamation with East Bengal should occassion the transfer to East Bengal of parts of other districts that have had no hand in the Sylhet decision, and are not even its neighbours geographically.

4. The question is, however, an open one, and as the Commission only wish to carry out whatever duty was intended to be entrusted to it, I think I ought to ask whether any further instructions can be given to me on this point so as to put the matter beyond dispute. It does not seem to me that there would be anything to object to in the Terms of Reference being supplemented in this way, but I would be grateful if any instructions that are to be given should be given at the earliest possible date, as the Sylhet sittings of the Commission begin on Monday, 4th August, and I shall have to give them a decision one way or the other by Monday, the 4th August.

Enclosures to No. 318

Message for P.S.V.

Sir Cyril Radcliffe would be very grateful if P.S.V.[3] or D.P.S.V.[4] could give a reply to the point raised by 7.30 this evening and hopes that P.S.V. or D.P.S.V. can meet him at 4, Willingdon Crescent.

2 August 1947

H.E. considered this matter in a Staff Meeting[5] today. He authorised me to tell Sir Cyril Radcliffe that he agreed with his view about the meaning of the terms of reference but thought that he must leave it to Sir Cyril Radcliffe to decide the matter for himself since there would be many complications if H.E. gave a ruling.[6]

G. E. B. ABELL
2.8.47.

[2] *Ibid.*, No. 45. [3] Sir G. Abell. [4] Mr I. D. Scott.

[5] No. 66 (Item 7), held at 12.15 pm on 2 August 1947. Mountbatten Papers.

[6] Sir C. Radcliffe's decision was conveyed *via* P.S.V's tel. 3130-S of 3 August to the Governor's Secretary, Bengal, which read as follows: 'Please pass following from Sir Cyril Radcliffe to members of Bengal Sylhet Boundary Commission. *Begins*. Reference our conversation of August 1st. I think that Commission must proceed on the basis that adjoining districts are adjoining districts of Assam that adjoin Sylhet, not any districts of Assam that adjoin Bengal. *Ends*.' R/3/1/157: f 248.

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Minutes of Viceroy's Sixty Sixth Staff Meeting, Item 13

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 2 August 1947 at 12.15 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Rao Bahadur V. P. Menon, Colonel Currie, Mr Christie, Mr. A. Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 13

THE NORTH-WEST FRONTIER PROVINCE

THE VICEROY said that he had discussed[1] the question of dismissing the Ministry of the North-West Frontier Province with Sardar Patel, who had expressed the hope that nothing unconstitutional would be done, and that in any case any step of this nature should be postponed until the 15th August. Mr. Jinnah, on the other hand, was extremely keen that immediate action should be taken,[2] preferably before the arrival of Sir George Cunningham. He had said that the present Ministry was deliberately attempting to sabotage the position of the North-West Frontier Province in relation to Pakistan.

RAO BAHADUR MENON gave his view that, if the present Ministry was dismissed in consequence of the result of the Referendum, this step should be immediately followed by a general election. He considered that the dismissal of the Ministry should not take place before the 15th August.

THE VICEROY said that the main difficulty confronting him was how he could, behaving constitutionally, reject the advice[3] which had been given to him by the Pakistan Executive Council. It might be desirable to delay the final decision for a few days. He enquired why the Congress Party objected so strongly to the proposed dismissal of the Ministry. Perhaps this was mainly a question of prestige.

LORD ISMAY gave his view that the sooner this matter was settled, the better it would be. He advised against undue delay.

SIR GEORGE ABELL suggested that the dismissal might take place four or five days before the 15th August.

RAO BAHADUR MENON said that if this was done he would suggest government under Section 93 for the intervening period. He said that he still believed that a Coalition Ministry after 15th August was a possibility.

It was also suggested that Sir George Cunningham, who was due to arrive in Karachi on the evening of 11th August, should come direct to Delhi to discuss this matter with the Viceroy.

[1] No record of this interview has been traced.
[2] cf. No. 278. [3] See No. 301.

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HIS EXCELLENCY THE VICEROY:—

directed P.S.V. further to discuss the future of the Government of the North-West Frontier Province with Sir George Spence and Rao Bahadur Menon.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Nehru

Mountbatten Papers. Viceroy's Interview No. 176

TOP SECRET *2 August 1947, 3.30–5 pm*

I told him about the Secretary of State giving a party for representatives of the three parties from the Lords and Commons to meet Krishna Menon, and that Krishna Menon wanted Pandit Nehru to know about this. I said that I would mention this in my next letter to Krishna Menon.

2. I told him the question of jail releases had been discussed[1] with the Partition Council that morning and that it had been agreeed that Sardar Patel and Mr. Liaquat Ali Khan should prepare a joint scheme for India and Pakistan and recommend to all Provincial Governments as to the level up to which jail releases should be counted.

3. I told him how gratified I was that everybody had accepted my proposal[2] that the I.N.A. prisoners should have their sentences reduced by the Commander in Chief to the level which would get them out on the general releases, and that the parties had agreed that there should be absolutely no publicity given to the I.N.A. prisoners. Pandit Nehru said that he was in full agreement.

4. I told him that I had reconsidered the matter of Governors' fortnightly letters[3] and had come to the conclusion that it might be thought unconstitutional if I accepted Pandit Nehru's offer to continue them. But I asked him if I could see the fortnightly confidential reports from Provincial Governors, to which he replied "Of course".

5. He told me that he was proposing to tell Governors and Prime Ministers to write personal letters to him. I told him that I proposed to invite the Governors up to stay with me during the cold weather for a conference, and that I hoped he would be able to address them. He said that he thought this would be a good idea.

6. I informed him that I proposed to recommend to the Secretary of State

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that Sir Fazl Ali's appointment as a permanent Judge of the Federal Court should be made before the 15th August. Pandit Nehru agreed.

7. I told him that I had spoken[4] to Mr. Jinnah and Mr. Liaquat Ali Khan that morning and had suggested to them that they should appoint the Pakistan High Commissioner for India before the 15th August, so as to represent Pakistan at the celebrations in Delhi on that date.

8. I urged Pandit Nehru to appoint his High Commissioner for Pakistan by the 13th August, so that he might be in Karachi in time to represent India at the celebrations there. Pandit Nehru said that he thought the High Commissioner would probably be Mr. Shri Prakash, but that he would let me know.

9. We also discussed the question of the Gurkhas, a note of which was taken by the Conference Secretary for action.

Enclosure to No. 320

I was summoned to H.E's interview with Pandit Nehru at which they were discussing the Gurkhas, and I was directed to take the necessary action. The situation was said to be as follows:—

The Indian Cabinet at its meeting[5] on Wednesday, 30th July, 1947, approved a note[6] which Nehru had put up. The Commander-in-Chief is said to be under the impression that the moment this note was approved he could allot battalions as between the British and Indian Armies, and ask officers to which they wished to volunteer. Pandit Nehru, however, points out that there is a third party to these negotiations, namely the Government of Nepal. It is still essential for a British and Indian representative to go to Nepal (which has agreed to the principle of allocation, but laid down certain conditions which include prior discussions).

The Viceroy said that the Commander-in-Chief should be warned that he had been misled in this matter and should not take formal executive action until Nehru had been consulted. Also the High Commissioner was to be instructed to get in touch with Sir G. S. Bajpai as to the composition of the delegation to go to Nepal. The British representative on this should

[1] Mountbatten Papers, Partition Council Minutes, 2 August 1947, Case No. P.C. 111/13/47.
[2] See No. 302, para. 54.
[3] When consulted by Lord Mountbatten on this matter during an interview on 29 July, Pandit Nehru had expressed the view that Mountbatten should continue to receive fortnighly letters from Governors, subject to the condition that drafts of such letters were shown to Prime Ministers before despatch, and that Mountbatten should continue to reply to them. Nehru had further stipulated that Prime Ministers should not have the right to alter a letter but should have the power to state their own explanations of particular events in the same letter. Mountbatten Papers, Viceroy's Interview No. 170(B).
[4] No record of this interview has been traced.
[5] and [6] Not traced but see R/3/1/147 for correspondence on this subject. See also Vol. XI, Nos. 337 and 388.

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either be a member of the High Commissioner's staff or one of the War Office representatives.

V. F. ERSKINE CRUM[7]
CON. SEC.
2 August 1947

[7] This signature has been taken from the file copy of this note on R/3/1/147: f 156.

321

H.M. Minister at Kabul to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/1812: f 238

IMPORTANT KABUL, *2 August 1947, 4.30 pm*
Received: 3 August, 5.45 pm

No. 75. After brief lull Afghan Press has resumed daily articles on frontier problems of which few have been broadcast.

2. Writers continue to criticise so-called forced referendum and urged Pakistan Government not to allow among Muslims extension of disunity unfortunately continuing between Muslims and Hindus. Tone is generally mild.

3. Ghulam Faruq, Minister of the Interior, has returned from Eastern Province along with Ras-Al-Khaimah and religious leaders whom acting Prime Minister has been interviewing. Arrival of Mr. Puri, Deputy Speaker of North West Frontier Province Legislative Assembly, and staunch supporter of Abdul Ghaffar Khan, lends further support to view that there is collusion between Afghan Government and Congress Party for a renewed campaign for an Independent Pathanistan.

Repeated to U.K. Commissioner, Secretary of State for Foreign Affairs and Government of North West Frontier Province. (copy to Baluchistan by post.)

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Rear Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Compensation for Members of the Services, Part II (b)

EXPRESS NEW DELHI, *2 August 1947, 2.20 pm*
CONFIDENTIAL *Received: 2 August, 7.40 pm*

No. 3100–S. I have sent you three telegrams today, Nos. 3097–S,[1] 3098–S[2] and 3099–S,[3] about Service matters. In each case I have suggested that liability should be accepted by H.M.G. without my making any further attempt to negotiate with the Home Member.

2. The issues involved are comparatively small though they make a great deal of difference to certain individuals. Sardar Patel is tired of these discussions about protection of the Services. Recently he refused absolutely to agree to proportionate pension for members of the non-covenanted Services and said that even where a Provincial Government was prepared to grant a right of proportionate pension he would advise them to revise their decision except in the case of men of whom they wished to get rid.[4] Williams, my Secretary (Public) is having a very difficult time with the Home Department as the officials naturally take their cue from Sardar Patel, and in addition are heavily overworked. The result is that decisions are not reached quickly and there is a good deal of obstruction.

3. I am most loth to prejudice my personal relations with Sardar Patel by perpetual discussions over these matters, which to him are so annoying. On the other hand I cannot agree to the Services being treated unfairly.

[1] Tel. 3097–S explained that the pensions of officers about to retire could not be verified until after the transfer of power when there would be no Secretary of State to whom a final appeal could be made against reductions. Lord Mountbatten suggested that individual cases should be dealt with as they arose, H.M.G. instructing the High Commissioners to make representations to the Dominion Government concerned. If these proved unsuccessful, Mountbatten suggested that H.M.G. should, if they decided that a pension had been improperly reduced, make good the reduction from British revenues. Lord Listowel accepted this procedure in tel. 10427 of 11 August. L/S &G/7/903: ff 46 and 43.

[2] Tel. 3098–S recommended that non-Indian Civil Service officers of the Secretary of State's Services should receive pensionary benefit from their service in administrative rank irrespective of completion of the 28 years qualifying service. Lord Listowel approved this recommendation in tel 10484 of 12 August. L/S &G/7/928: ff 13 and 8.

[3] Tel. 3099–S dealt with four claims for compensation and raised in the case of two officers who were of mixed descent, the question of whether they should be treated exceptionally as Europeans for the purpose of compensation. For Lord Listowel's reply, tel. 10466 of 12 August, and subsequent correspondence on this subject, see L/S &G/7/931.

[4] In tel. 3231-G of 7 August to all Governors (except Bombay), Mr Williams explained that both Congress and Muslim League were opposed to the grant of proportionate pensions for European and non-Secretary of State's officers and that Lord Mountbatten, having 'fought this question over considerable period both in Cabinet and by personal approach but without success', had decided that no useful purpose would be served by pursuing the matter with the successor Dominion Governments. Mountbatten Papers, Official Correspondence Files: British Services in India (Civil).

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4. The only solution, therefore, is to ask you to get these questions decided by H.M.G. I hope it will be recognised that the financial implications are nothing compared with the importance of avoiding unnecessary friction with Sardar Patel.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3)

MOST IMMEDIATE NEW DELHI, *2 August 1947, 8.00 pm*
SECRET *Received: 2 August, 7.35 pm*

No. 3108–S. Your 9962 dated 1st August.[1] Governors Appointments. There is no question of altering the procedure. The President of the Constituent Assembly and Nehru have agreed that their resolution should be so framed as not to cause embarrassment.

2. I expect to get Monckton's reply today Saturday about Berar.[2] That should allow time to get announcement out on Sunday evening. But please do not issue until you get clearance from me about CP and Berar.

3. For your private information significance of midnight meeting on 14th/15th August is that according to astrologers this is considered an auspicious time.

[1] No. 308. [2] See Nos. 293 and 308, para. 3.

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Rear-Admiral Viscount Mountbatten of Burma to Sir F. Wylie (United Provinces)

Telegram, Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces Appointment of—Part (3)

MOST IMMEDIATE NEW DELHI, *2 August 1947, 10.30 pm*
PERSONAL

No. 3118–S. Muslim League are anxious to know whether if they decide to ask you to accept the Governorship of East Bengal you would be prepared to accept. This should not be considered a firm offer at present but please inform

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me if you would consider it. I very much hope that if a firm invitation is extended to you you may be able to accept and I am quite sure that you would be able to do very valuable work there. A man of real experience and standing is required both because it is a new Province and because it is so far from Karachi. It contains more than half the population of Pakistan.

2. Pay proposed is Rs. 72,000 per year and there will be suitable allowances and an arrangement by which part of the salary is income tax free.

3. Grateful for a very early reply.[1]

[1] Upon receipt of a second telegram from Lord Mountbatten, Sir F. Wylie, in tel. G-122 of 5 August, declined this informal offer explaining that his luggage had already gone and that he himself was leaving for the U.K. in hardly more than one week's time. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3).

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 103–4

PERSONAL AND SECRET TRAVANCORE HOUSE, NEW DELHI,
3 August 1947

My dear Dickie,

You have touched my heart deeply by your gracious letter of the 31st July[1] which reached me only a few minutes ago in Delhi.

Your generous references to me and my relations with you have moved me very much indeed. You will always find me true to my word and always ready to serve my friends like yourself to the maximum limits of my capacity and opportunity.

You have extended to me your hand of friendship and I am prepared to hold it firmly. I hope that if I extend my hand of friendship to Sardar Patel he will also respond genuinely. If he does then I will never play false to him.

I have genuine difficulties and doubts in my way, but with goodwill and understanding they can be removed, provided you help. I will talk to you in full detail when I get an opportunity of doing so and when you can spare me some moments at your leisure.

I shall probably be meeting you tomorrow with Maharaja Holkar who has kidnapped me here by force, but it would be his day and I will be a listener most of the time. After that I should like with your permission and subject to your convenience to meet you alone perhaps the day after and explain my position and point of view. I am prepared to come forward if you help and clear a few obstacles in the way.

[1] No. 297.

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With my genuine and earnest thanks for your kind letter and with all good wishes.

Yours ever,
HAMIDULLAH

326

Major Short to Sir S Cripps (Extract)

P.R.O. Cab 127/150

17 TUGHLAK ROAD, NEW DELHI,
3 August 1947

* * *

Things here go on apace. By God's grace they will prosper.

But J has, I think, made his first major blunder—looking for the G. Gship. This has certainly complicated the Sikh situation. Now he, and he alone, can draw them in: and then only by offering extravagantly generous terms. Of course that miracle may yet happen. That failing, the nature of the award will determine events. If it meets the least the Sikhs think fair, peace will reign—and prosper. If it does not, in ratio to the extent that it offends Sikh sentiment, peace will be a calm before a growing guerilla situation. For, unless it flagrantly affronts Sikh feeling, I doubt an immediate really dangerous reaction. Except in one quarter. The armed forces massed to keep peace on the border. There, and not in the Sikh country, is, I feel, the powder magazine. I am v. much alone in this view. But I seen no reason yet to depart from it. But come what may, the most delicate factor is the obstinate popular belief that Radcliffe will award as H.E. dictates. And this is a truly popular belief. Whatever any Indian may say to H.E., I living here, with Indians, am all too aware that nothing will shake their conviction that this is so. Which means —well, you will draw all the conclusions.

However, this is a temporary assessment. And necessarily based on instinct more than anything. I must not [?now] move about to test my antennae. So maybe my next letter may say something different.[1]

* * *

[1] No subsequent letter on this subject to Sir S. Cripps from Major Short has been traced. However, in a minute to Lord Ismay dated 12 August, Short made the following points:

'1. Sikh situation report: written, because I'm avoiding you till B.C. award is out.
2. I've reason to believe what follows.
3. H.E. has succeeded in convincing Sikh leadership at least that he is not touching B.C. award. This is source of Baldev's and prevailing Sikh mood of deep gloom.
4. The same goes for you, both on H.E's behalf and on your own as his Chief Adviser.'

Mountbatten Papers, Official Correspondence Files: Punjab, Security Arrangements for Partition.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: ff 48–9

IMMEDIATE *1 August 1947, 1.00 pm*
SECRET *Received: 3 August, 1.00 pm*

No. CA–158. I saw Khan Sahib informally 2nd August and discussed situation generally without reference to meetings[1] in Delhi. Abdul Ghaffar Khan expected to return 3rd August and subject to anything he may dictate I am certain Khan Sahib will not voluntarily resign and he is in position to make serious trouble if dismissed.

2. I also consider it likely that League will make trouble if Ministry remains in office after 15th August or at any rate after Id. Probably only Ramazan and hopes of favourable decision in Delhi have prevented trouble hitherto.

3. Fundamental position is that both parties, with their Pathan factional characters, want power, but Congress though in majority[2] in province as a whole are well organised and disciplined whereas League are somewhat disunited and mutually suspicious.

4. Present Ministry has already done much to prejudice moral conflict in their favour, and immediate dismissal would stimulate rather than hamper their undermining of Pakistan Dominion e.g. by fomenting tribal unrest.

5. Khan Sahib says he has already stopped issuing of arms during referendum (and) agrees to standstill on any administrative matter as I may order. He says he personally would recommend his party to accept the position on the understanding that they might continue to work constitutionally for Pathanistan.

He still thinks coalition impracticable and I see little hope of one.

6. I have consulted experienced individuals on all aspects and expediency. My Advocate General is of opinion that dismissal without dissolution would be unconstitutional and I now consider it would be inexpedient because (*a*) it will precipitate disorder which could not be subdued before 15th so that both transfer of power and arrival of new Governor would take place in a state of turmoil (*b*) the Ramazan is a bad time for widespread operations by troops and police (*c*) such action must involve Governors Special powers the authority for which will be obscure from 15th until orders are issued under Sec. 9 of Independence Act.

[1] See Nos. 278 and 301.

[2] This word should evidently read 'minority'. Lieutenant-General Sir R. Lockhart corrected the error in tel. CA-164 of 8 August. R/3/1/165: f 61.

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7. I would however make retention of present Ministry conditional upon their maintaining constitution and reasonable attitude towards Pakistan Dominion and new Governor-General and not creating circumstances which would hamper administration of successor government.

8. Given these conditions I now feel the less[3] for dismissal and/or dissolution is one which I should not repeat not take.

If this is agreed to I request authority to put conditions above to Khan Sahib.

[3] On the file copy of this telegram on R/3/1/165 the words 'the less' have been deleted and replaced by 'choice?'.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma[1]

Telegram, L/E/9/1514: ff 192–4

MOST IMMEDIATE SECRET — INDIA OFFICE, *3 August 1947, 3.55 pm*; *Received: 3 August, 6.00 pm*

No. 10078. Your telegram No. 3037–S of 30th July.[2] International position of new Dominions. No public statement on lines of my 9763[3] has yet been made by H.M.G., and we should prefer to avoid, if possible, publicly initiating proposition which may appear to Pakistan to be discriminatory against her.

2. We have not received any intimation that Moslem League are now prepared to acquiesce in our view regarding succession of new India to international rights and obligations of old India, including membership of U.N.O. Nor do we know what steps, if any, they have in mind to establish their position. We presume, however, that Pakistan will desire to take her place without loss of time among United Nations, and as you know this will, in our view, be found to necessitate application by Pakistan for election to membership. Procedure for election to membership of United Nations is contained in Rules 58/60 of Provisional Rules of Procedure of Security Council which are set out in my immediately succeeding telegram.[4] Under these rules States desirous of election during 1947 Assembly commencing on 16th September are normally required to submit application for membership in time for Membership Committee to report on application by 10th August. If Pakistan desires to secure election this year, therefore, immediate application is advisable.

3. Subject to your views we suggest that Moslem leaders should be acquainted with this position and advised, if they wish to obtain early election, to put

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forward provisional application at once (which we assume they can do in capacity of Provisional Government) to be confirmed after 15th August when Dominion of Pakistan formally comes into existence. We appreciate that Moslem leaders may be reluctant to accept publicly and without qualification a liability to submit themselves for election. To meet this point they may think it advisable that their approach to United Nations should be on basis of a request (*a*) that they should be treated as automatically entitled to membership as a constituent part of the former Indian entity which enjoyed membership of the United Nations and,(*b*) that if this is not possible their communications should be treated as a normal application for membership.

4. For your own information we would prefer that Pakistan should go forward with an application on these lines to the United Nations Secretariat, because if Moslem theory of two co-equal States is pressed too far a position might arise in which both India and Pakistan were required to apply for membership, which could do no-one any good. We hope, therefore, that Moslem leaders will be prepared to apply on basis indicated above, which we think should enable them to register their view in regard to their international personality and which, by its suggestion of continuity, may facilitate their election. (You will have read reports of recent Soviet vetoing of candidates supported by us who have *not*[5] previously enjoyed membership.)

Please give copy of this telegram to High Commissioner.

[1] This telegram was sent in accordance with Lord Listowel's minute at No. 316.
[2] and [3] See *ibid.*, para. 3 and notes 5 and 6.
[4] Not printed. [5] Emphasis in original.

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Notes[1] *of a Meeting between Rear-Admiral Viscount Mountbatten of Burma, the Nawab of Chhatari, Sir W. Monckton, and for part of the time, Mr V. P. Menon*

Monckton Trustees, No. 30: ff 17–20

SECRET THE VICEROY'S HOUSE, [NEW DELHI,] *3 August 1947, 7–8.45 pm*

1. H.E.P.[2] first raised the question of the Indian Army Troops in Secunderabad and said that this was a matter upon which H.E.H. had sent him two telegrams in the last 24 hours. H.E. said that these troops were going and he had insisted on their not being replaced. Some of them had already been removed. The difficulty was one of finding accommodation. It had arisen because owing

[1] These notes are not signed or initialled but it seems reasonable to infer that, with the possible exception of the bracketed paragraph, below para. 4, they were written by Sir W. Monckton.
[2] The Nawab of Chhatari.

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to partition demobilisation had been stopped before it reached half-way, but he assured us that the troops were being genuinely removed.

2. Thereafter, the discussion was rambling and at times heated. I raised 3 points but the Viceroy dealt with them in reverse order and they merged into one another.

3. The first point was that, in my opinion, an arrangement of a standstill nature about Berar was not only desirable but necessary if an unconstitutional position was to be avoided. I thought there would have to be a Firman, an Order amending the Independence Act or at least an Order under it and an Agreement. V. P. Menon did not seem to worry whether the position after the 15th August was constitutionally correct or even tolerable. I said, if the new Dominion wanted to start by flouting Constitutional Law in the eyes of the world, they were welcome to do so but I would have no hand in it.

4. My second point was about the Standstill Agreement generally. From a perusal of the draft Instrument of Accession and draft Standstill Agreement[3] and from what I could learn of the attitude of the States' Department, it seemed that there was no disposition to make a Standstill Agreement except with States which had decided to accede. V. P. Menon said that they were only going to make Standstill Agreements with acceding States. I said that this was quite contrary to the British pledges and statements, namely, that the States were to have a free and unhurried choice and were not to be coerced or subjected to pressure of any kind.[4] H.E. agreed but V. P. Menon said that Congress did not regard themselves as bound by these pledges or statements. This observation came after statements (thrown in at intervals throughout our discussions) that H.E.H. had not a hope of survival unless he acceded. I said if these were the lines they were going on, there was no more I could or would do in the negotiations except to report to the Nizam and I should refuse to take any further part in such a disgraceful perfomance. H.E. said that no doubt Congress would lay themselves open to such criticism but one had to face the facts and criticisms from the world would not deter them, but he tried to pour oil on the waters.*

(*The Nawab of Chhatari added that any such action on the part of the Congress Government amounts to dishonour of the pledges given on behalf of HMG in various Houses. Sir Walter supported this and His Excellency also agreed with it but the general impression was that if Congress was to do anything wrong HMG could not stop it.)[5]

5. Finally, I urged that H.E.H. ought not to be hurried in his decision which ought not to be demanded by the 15th August. He was in a very difficult position and would be likely to get trouble whatever he decided. H.E. said he would be willing to try and get an extension of time for decision from Congress, if

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H.E.H. wrote asking for it and saying in effect that he was in a specially difficult position and wanted further time to make his decision. H.E. said a definite limit would have to be given, say, a month and H.E.H. would have to show that he was genuinely considering the matter. I said it was not H.E.H. who was asking for time: it was I who wanted it. I was quite sure H.E.H. would refuse to accede, but with further time he might decide to make a satisfactory offer by treaty. H.E. throughout the discussion avoided the distinction between accession and a treaty, but V. P. Menon was emphatic that any treaty would be unacceptable in any case. Nevertheless, H.E.V. pressed us to continue our talk and said repeatedly and emphatically that if H.E.H. did not join the Dominion, his State would be ruined and he would lose his throne. He said it was not a question of odds. H.E.H. had not a chance. He would be off the throne in a few months. I said he would go down (if at all) fighting and the Mussalmans would help him all over India. It would not take a few months but probably 3 years of bloodshed and I was not betting that Congress would last that long. H.E. said we all wanted to avoid bloodshed and we must try to find a solution. It is to be noted that before V. P. Menon came in, H.E. had said to the President that an offer of treaty by H.E.H. might put Congress in the wrong. [This has always been my point].[6]

6. H.E. asked us to continue discussions with V. P. Menon and himself; if necessary staying longer in Delhi. We left this in doubt but I said I would get in touch with V. P. Menon about Berar.

7. H.E. left just before 8.30 p.m. and returned to us about a quarter of an hour later repeating his determination that a way out should be found. He would, if it became necessary, himself in his speech to the Assembly urge that further time for decision should be given to Hyderabad to come in on the terms now offered.

8. During the Viceroy's absence, V. P. Menon elaborated what H.E. had said about the prospects, if we did not come in. There wouldn't be any overt act but there would be refusal of grain levy and of taxes and other payments. Disorders would arise and if they became serious, as they would, India would not stand by and see that state of affairs to continue. Their propaganda was not only for accession but for responsible government. If responsible government were conceded, he had no doubt that Hyderabad would join the Dominion. H.E.P. pointed out that the agitation for responsible government was likely to take place, whether or not Hyderabad joined the Dominion.

Note

My own conclusion from these discussions is that, though it is possible that H.E.

[3] See Enclosures 1 and 3 to No. 313. [4] cf. No. 262, notes 3 and 4.

[5] The paragraph in brackets was evidently added to these notes. In the original, it appears on a separate slip of paper which is attached at the end of para. 4.

[6] Brackets in original.

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would try, and conceivably might succeed in persuading Congress to accept a treaty from Hyderabad which gave to the Dominion everything they would get by accession, there is not the remotest chance of a treaty on terms less favourable to the Dominion being considered for a moment. On the whole, I think that a treaty on terms equivalent to accession would be rejected. I cannot see any reason why Hyderabad should not now take the step of offering a treaty on the lines of my draft letter[7] and if Mr. Jinnah advises against this course and his advice is taken, there is no more I can usefully do in or for Hyderabad.

[7] Not printed. For the letter as sent, see No. 376.

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Minutes of Viceroy's Twenty Fifth Miscellaneous Meeting

R/3/1/166: ff 44–7

SECRET

Those present at this Meeting[1] *held at the Viceroy's House, New Delhi, on 4 August 1947 at 9.30 am were: Rear-Admiral Viscount Mountbatten of Burma, H.H. The Khan of Kalat, Nawabzada Mohammed Aslam Khan, Sir Sultan Ahmed*

Also present were: Lord Ismay, Lieutenant-Colonel Erskine Crum.

THE VICEROY said that since his last meeting[2] with the Khan of Kalat, he had spoken[3] to Mr. Jinnah, Mr. Liaquat Ali Khan and Mr. Nishtar. Mr. Jinnah had explained that he was under such pressure of work at the present time that he had been unable to give his full consideration to the problems arising between Pakistan and Kalat; he was, however, willing and anxious to find an amicable solution. Mr. Jinnah had told the Viceroy that he could rely on him to find, after 15th August, a solution which would suit both Kalat and Pakistan. It was his desire to live in peace and friendship with this large Muslim State.

THE VICEROY said that he had proposed, and he understood that Sir Sultan Ahmed agreed (incidentally Sir Walter Monckton agreed also) that before the next series of meetings between the Khan of Kalat and Mr. Jinnah took place a decision should be reached on the legal position as to whether or not treaties made between the British Government and Kalat would be inherited by the Pakistan Government. Mr. Jinnah had admitted Kalat's claim to be an independent sovereign State of a status different from that of Indian States, and was prepared to negotiate on those terms.

SIR SULTAN AHMED said that he also understood that Mr. Jinnah wanted more time to study the problems between Pakistan and Kalat; and the Kalat representatives felt that this time should be given. Mr. Jinnah had appeared

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very anxious that the correct decision should be reached and that he should not be rushed. It was certain that Mr. Jinnah did not as yet realise the full complexity of the problem. SIR SULTAN AHMED suggested that if no agreement was reached on the legal question this would have to go before a higher tribunal for decision.

THE VICEROY said that every effort should first be made to establish the legal position by agreement between the representatives of the two parties concerned. He suggested that Mr. Jinnah himself should not be brought into these particular discussions. Only in the event of failure to reach agreement between these representatives would the matter have to be referred to a tribunal.

HIS EXCELLENCY said that he considered it essential that an immediate Standstill Agreement should be made between Pakistan and Kalat. The Kalat representatives agreed that this was necessary.

NAWABZADA MOHAMMED ASLAM KHAN asked that a statement should be made declaring the recognition by the Crown Representative, as well as by the Government of Pakistan, of Kalat's independent status. THE VICEROY replied that the advice[4] which he had received on this point from the Political Adviser precluded this; in any case a declaration by the Crown Representative would be of little value at the present time compared to one by the Pakistan Government.

THE KHAN OF KALAT said that Mr. Jinnah had asked him whether Kalat would be willing to send representatives to the Pakistan Constituent Assembly. He had replied that this was not possible because of the State's independent status, but he had agreed that [?with] Mr. Jinnah that it was essential that a reasonable understanding should be reached between Pakistan and Kalat on Defence, External Affairs and Communications. THE VICEROY gave his opinion that agreement on these subjects was essential.

THE VICEROY pointed out that, if legal opinion decided that the treaties made between the British Government and Kalat would not be inherited by the Pakistan Government, a further decision would be necessary on the financial arrangements to be made in view of the fact that much capital had been sunk into construction at Quetta on the basis of a lease in perpetuity. It would presumably be necessary to obtain a further legal opinion on this point also. With this SIR SULTAN AHMED agreed.

[1] This meeting had been arranged in response to the Khan of Kalat's letter at No. 303.
[2] No. 258. [3] Not traced.
[4] On the eve of Lord Mountbatten's meeting with the Kalat delegation, Sir G. Abell minuted as follows: 'States Dept. (Pakistan) are advising on the legal issue but I discussed it last night with the British Joint Secretary concerned and he said he was clear that Pakistan would inherit the treaty obligations and rights of HMG *vis à vis* Kalat unless Kalat repudiated the treaty. The question really is, what can HMG do for Kalat if they do want to repudiate the treaty and take back the leased areas, and the answer, I, fear, is 'very little'. They cannot avoid the necessity of negotiating with Pakistan.' R/3/1/166: f 42.

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It was then decided that a communiqué should be issued outlining the negotiations between Pakistan and Kalat. A first draft[5] was made and agreed in principle at the meeting. This was also agreed to in principle by Mr. Jinnah and Mr. Liaquat Ali Khan, who entered at the end. THE VICEROY asked Lord Ismay to clear it in detail with representatives of both parties.[6]

Appendix 'A' to No. 330

DRAFT COMMUNIQUÉ

As a result of a meeting held between a delegation from Kalat and officials of the Pakistan States Department, presided over by the Crown Representative, and of a series of meetings between the Crown Representative, His Highness the Khan of Kalat, and Mr. Jinnah, the following is the situation:—

1. The Government of Pakistan recognises Kalat's status as an independent sovereign State; this status is different from that of Indian States.

2. Legal opinion will be sought as to whether or not treaties made between the British Government and Kalat will be inherited by the Pakistan Government.

3. When this opinion has been received, further meetings will take place between representatives of Pakistan and the Khan of Kalat.

4. Meanwhile a Standstill Agreement has been made between Pakistan and Kalat.

5. Discussions will take place between Pakistan and Kalat at an early date with a view to reaching decisions on Defence, External Affairs and Communications.[7]

[5] Attached as Appendix 'A' to these minutes.

[6] When Sir P. Patrick saw the minutes of this meeting on 11 August he commented as follows: 'It looks as if Lord Mountbatten had received advice that the decision to treat Kalat as an independent State was wrong and had devoted himself to preparing the parties for a *volte face*. This will now be for Jinnah.' L/P &S/13/1846: f 43. See also No. 263.

[7] On 5 August Lord Ismay wrote to Mr Jinnah explaining that the Khan of Kalat agreed with the communiqué, with the exception of one word in clause 2. He suggested that the words 'agreements for leases' should be substituted for the word 'treaties', as there were no treaties with respect to leased areas. Ismay asked if Jinnah agreed with this amendment and also whether he had any other comments. R/3/1/166: f 56.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/91: f 86

17 YORK ROAD, NEW DELHI, *4 August 1947*

Dear Lord Mountbatten,

I had a visit from some members of the East Punjab Ministry yesterday. They informed me that the situation in Lahore continues to be very tense and the advent of August 15th was looked upon with apprehension by many who expect a possibility of trouble then. All this is, of course, well-known to you.

2. I was told that when you went to Lahore recently[1] it was suggested to you that military pickets might be kept in the city of Lahore in addition to the police who are already there. Apparently you approved of this suggestion. But it has not yet been given effect to. The East Punjab Ministers were afraid that unless these pickets are sent there soon, there might be a considerable exodus from the city of Lahore. This might be avoided by the presence of the pickets during this critical phase.

3. I imagine there is no difficulty about this as the troops are already in Lahore and only some minor arrangements have to be made. This would certainly reassure the people in Lahore city and scotch the rumours of trouble. I hope it will be possible for this to be arranged soon.[2]

Yours sincerely,

JAWAHARLAL NEHRU

[1] See No. 228, paras. 6–12.

[2] In tel. 3162–S of 4 August Lord Mountbatten informed Sir E. Jenkins of this suggestion and asked for advice as to a reply. R/3/1/91: f 88.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Interim Government of India, Part (2)

SECRET 17 YORK ROAD, NEW DELHI, *4 August 1947*

Dear Lord Mountbatten,

I give below the names of my colleagues in the new Cabinet:[1]

1. Sardar Vallabhbhai Patel.

[1] cf. Nos. 172, 256, Item 6 and 302, paras. 36–40.

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2. Maulana Abul Kalam Azad.
3. Dr. Rajendra Prasad.
4. Dr. John Matthai.
5. Shri Jagjivan Ram.
6. Sardar Baldev Singh.
7. Shri C. H. Bhabha.
8. Rajkumari Amrit Kaur.
9. Shri Rafi Ahmad Kidwai.
10. Dr. B. R. Ambedkar.
11. Dr. Shyama Prasad Mukerji.
12. Sir Shanmukhan Chetty.
13. Shri Narhar Vishnu Gadgil.

You will notice that all the existing members, with the exception of Shri C. Rajagopalachari, have been included in this list. Six new names have been added. I have obtained the consent of all of them.

2. We shall decide finally about the portfolios when we have our first meeting. We do not intend making any changes in the present distribution of portfolios among the eight existing members except that Mr. Rajagopalachari's departure will necessitate a change.

3. We might have to consider a new arrangement of portfolios somewhat later. Thus Food and Agriculture might be combined. Planning will have to be given some place.

Yours sincerely,
JAWAHARLAL NEHRU

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Mr Anderson to Mr Harris

L/F/7/2870: ff 135–6

4 August 1947

Private Secretary,
You asked for a brief note on what our attitude should be to a proposition that, in view of the balance of payments emergency, the United Kingdom should now suspend, or greatly reduce, the availability of the sterling balances.

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So far as India is concerned, the position is that there exists on paper the probability of a deficit on current account amounting to nearly £50 million (of which about £40 million is attributable to payments for foodgrains) during the half-year July-December, 1947. This is arrived at after taking account of severe cuts in the import of consumers' goods which have recently been imposed, and includes provision for capital goods and industrial supplies which is by no means lavish. It is, of course, not a scientifically exact figure, and we ourselves think it is a bit on the high side, though we have not succeeded in persuading the Indians to agree that any appreciable reduction in the estimate would be justified. But certainly all the indications are that a big deficit—say of £35–45 million—is inevitable even if all goes according to plan. Against this we have offered the Indians a release of £35 million, plus special treatment of a further £6 or 7 million, together with a working balance (which in the long run they are supposed to maintain more or less intact) of £30 million. They have put these proposals to their Government, whose reply is awaited. We hope to conclude the agreement this week.

I must admit to having felt some surprise that in the prevailing circumstances the Chancellor was prepared to go as far as this. The proposals are, in my view, generous (though not more so than the terms of the recent agreement with Egypt). There has in fact been a genuine desire on the part of the Treasury to do everything possible at this juncture to ease the constitutional transition and avoid prejudicing its chances by what would otherwise be an acute economic crisis. This is important from the point of view both of India's well-being and of good relations between ourselves and the new Dominions. (Mr. Nehru's message[1] on the point to the Prime Minister will be recalled.) For the Indians the sterling balances are in fact precisely the equivalent of what the American loan has been for us. If we do not continue to help them in their present difficulties, they might, it is true, be able to do something to help themselves in the short run by taking what, for them, is the extreme step of liquidating the Reserve Bank's gold holding and by drawing against their International Monetary Fund quota. But essentially what we should force them to do would be to attempt to raise credits on their own in the United States. If they did not succeed in this a first-class crisis in the spheres of food, production and currency is likely to eventuate. We can be sure that in any event if we left them thus to sink or swim they would deeply resent it and permanent damage to the prospects of economic collaboration between ourselves and them would ensue both as a psychological consequence and because of the impetus that would in practice be given to the building up of other economic affiliations.

It is possible that we ought now to go to the Indian Delegation again and explain (if we can) that for reasons not apparent a fortnight ago we cannot implement our original offer in full, though clearly this will not be an easy case

[1] See No. 119, note 1.

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to put over in the circumstances. But that we should entirely abandon the responsibility of helping them through would surely be inconsistent with the position which we occupy as the head of the British Commonwealth (in the advantages of which we desire them to believe) and the mainspring of an important economic group (in which again we desire their partnership). In any case, if we are going to pass on part of our burden to the Indians, it is essential that similar treatment should be meted out to our other dependants—certainly including Egypt at one end of the scale, but not omitting the Colonies at the other end. The effect of anything we do will obviously be much worse if they feel that we are differentiating against them. The other imperative necessity will be to convince them that this is no affair of repudiation or shirking, but that we ourselves are sparing no reasonable effort or sacrifice. It is inherently difficult to get the representatives of a fundamentally poor country like India to appreciate our point of view on relative standards of living, but they are much more likely to react sensibly if any measures which hit them can be seen in perspective as one incident in a drastic and comprehensive programme, and are not, for example, too prominently featured as an easy way out of an obligation which we would like to disclaim.

K. A.

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Government of Australia to Commonwealth Relations Office

Telegram, L/WS/1/1046: f 127

IMMEDIATE *4 August 1947, 3.10 pm*
Received: 4 August, 9.00 am

No. 211. It is understood that it is the intention of the United Kingdom Government to enter into negotiations[1] with the Government of India in due course with regard to the establishment of bases for defence purposes and of civil aviation facilities on the Andaman and Nicobar Islands.

2. It would be appreciated if we could be kept in close touch with the negotiations when they take place and if full consideration could be given to the vital concern of Australia in the Indian Ocean line of communications. It is felt that future political situation in India, Ceylon and Burma and the growing nationalist tendences in Malaya may greatly increase the strategic importance of the Andamans and Nicobars as both offensive and defensive bases in the Bay of Bengal. This would particularly be case against an aggressor strong in land but weak in sea and air power.

3. It is considered that as sovereignty of the Islands has passed to India the

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securing of long term leases would be the best solution and the minimum defence requirement would be the right to station forces on the Islands and to mention [?maintain] naval and air facilities.[2]

[1] See Vol. XI, Nos. 244, Minute 4, 347, Minute 3, and 365, para. 8.
[2] The Commonwealth Relations Office replied in tel. 174 of 11 August noting the Australian Government's views and promising to keep in touch with them about future negotiations. L/WS/1/1046: f 123.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and the Nawab of Bhopal and the Maharaja of Indore

Mountbatten Papers. Viceroy's Interview No. 177[1]

4 August 1947, 3.30 pm

THE VICEROY stated that he had devoted the major part of his time recently to his duties, as Crown Representative, of looking after the interests of the States; he had made great efforts to produce the best possible terms for their future relationship with the two Dominion Governments. The success attending his efforts had considerably exceeded any expectations which he had had on arrival in India. He explained that all the Princes, with one exception, had, during the course of the last few days, either come to Delhi themselves in connection with the discussions on the Instrument of Accession, or sent their own representatives or shared together to send a representative. There were three States which were in a particular quandary. These were Hyderabad, Bhopal and Kashmir, in which the Ruler and the Government and Army were of the opposite community to the majority of the people. Nevertheless, the representatives of these three had been in close touch with him and every effort was being made to find a solution to their difficulties.

HIS EXCELLENCY said that the only State which had done nothing at all was Indore. He had done his best to ensure that the lack of responsibility towards his people and courtesy towards the Crown Representative on the part of the Maharaja of Indore would not result in the people of his State suffering. Four of the six Mahratta Princes who had gone to see him had made personal reports[2] which were not edifying. He had sent an account of their report to the Secretary of State. He also understood that the Prime Minister of Indore had told the Maharajas of Baroda and Gwalior that the letter[3] of invitation which he (The Viceroy) had written to H.H., represented a threat. He emphasised that the letter contained no hint of threatening or coercing in this matter at all and

[1] Lieutenant-Colonel Erskine Crum was also present at this interview and dictated the record.
[2] See No. 302, paras. 49–51. [3] No. 266.

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he resented this deliberate misrepresentation. The way in which the Maharaja of Indore might behave was a matter of indifference to him. It was quite clear from His Majesty's Government's statement[4] on the States, that they were at liberty to do anything they liked. They could either take no steps at all, or they could sign standstill agreements and accede to one or other Dominion. There was complete liberty for each State to do exactly what it liked, and he did not intend to take any step which could be represented as coercion.

THE MAHARAJA OF INDORE said that he did not understand why His Excellency considered that he had been in any way discourteous. THE VICEROY replied that he had taken immense trouble during the last few weeks about the future of the States. He had devoted a large proportion of his time to consideration of the problem. All the States had received a clear invitation to send representatives to Delhi for discussions. They had all replied and all sent representatives, with the exception of Indore. Could that be called courtesy?

THE MAHARAJA OF INDORE replied that he and his Prime Minister had been in London when this invitation had been received. It had presumably been considered by his Cabinet, who had come to the conclusion that they could not take the responsibility for sending a representative to Delhi when they knew that he would be returning soon.

THE VICEROY asked the Maharaja of Indore when he had got back to India. THE MAHARAJA OF INDORE replied that he had returned on the 29th July. THE VICEROY suggested that the 24th July might be a more truthful date. This THE MAHARAJA OF INDORE admitted.

THE VICEROY asked what happened in Indore when the Maharaja was away. Was there no one to send advice to him? Was there no one to reply to the invitation with information that he was absent?

THE MAHARAJA OF INDORE asked why His Excellency was using such a tone. THE VICEROY replied that he was doing this advisedly; he considered that the behaviour of Indore should be recorded.

THE MAHARAJA OF INDORE then stated that His Highness of Baroda had brought to him a letter from the Viceroy.[5] He had given his personal word to the Nawab of Bhopal to do nothing without first consulting him. He had gone to see him and had telegraphed immediately to the Viceroy saying that he would come to Delhi.[6] He had not been well. He was still not well. He had been asking, since his return from London, for a revised Instrument of Accession. Two telegrams had been sent by the Resident requesting this. A letter had arrived, but the Instrument of Accession had not been enclosed.

THE VICEROY pointed out that the draft Instrument of Accession[7] had been available for many days past in Delhi. The original had been drafted by himself.[8] This had been revised by a Committee of Rulers in a way to suit their wishes. Presumably it was being revised at the time that the Maharaja of Indore asked for a copy to be sent. All the other States, he repeated, had either been

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represented at the Meetings, or had discussed the matter independently. The Instrument had not been finalised until three days previously.

THE MAHARAJA OF INDORE said that he had sent his Deputy Prime Minister to Delhi as early as possible. THE VICEROY pointed out that the Deputy Prime Minister had not arrived until the negotiations were over.[9]

THE MAHARAJA OF INDORE then handed to The Viceroy a letter (copy attached).[10] This contained a large number of extracts from Hansard.

THE VICEROY read this letter out aloud, paragraph by paragraph, and commented on each of the points raised in this letter. He pointed out that he had been the first to get the Cabinet Mission's Memorandum of 12th May, 1946,[11] accepted by both Congress and the Muslim League. Until this had been accepted, as it was in the 3rd June Statement,[12] there had been no basis on which to negotiate. He emphasised that he was in no way putting pressure on the Maharaja of Indore as to what course he should pursue. He was not in fact even expressing a view. Sardar Patel had incidentally informed him that he was indifferent to the action to be taken by Indore. Sufficient States had already decided to accede to the Dominion of India for Sardar Patel's purposes.

THE VICEROY pointed out that two months previously, the terms and conditions, which the future Government of India intended to offer to the States, had been very different. Congress spokesmen, some of whom were members of the Interim Government, had made many most disturbing statements.[13] The Congress Leaders had in fact been envisaging a very close Union in which there would have been financial control and interference in the internal affairs of States. He (The Viceroy) had then "gone to battle" and succeeded first in securing the creation of States Departments for both Dominions. These Departments were in the hands of realists and statesmen who were prepared to negotiate with him as Crown Representative, on a reasonable basis. He had finally succeeded in persuading them to agree to a plan whereby the States would accede on the three central subjects of the Cabinet Mission Plan only. This plan involved complete internal autonomy for the States.

[4] Vol. XI, No. 45, para. 18. [5] No. 266; see also No. 295, note 1. [6] See No. 302, note 36.
[7] Enclosure 1 to No. 313.
[8] The Instrument of Accession had in fact been drafted by Mr V. P. Menon; see No. 228, para. 26.
[9] Sir G. Abell minuted as follows to Lord Mountbatten on 5 August: 'The Prime Minister. Dy P.M. of Indore [the same individual—Mr Horton] called on me this evening to explain that H.H. had done his best to get here on time but had been delayed by a series of misfortunes. After his friendly letter of invitation [No. 295] he had been shocked to receive so cold a reception here. He was most anxious that Y.E. should not think there had been the least intention of discourtesy. I said I would do my best to "put things right" for him.' Mountbatten Papers, Official Correspondence files: Interviews (2).
[10] Not printed. The letter, which was presented in the form of an *Aide-Memoire*, consisted of extracts from the debates on the Indian Independence Bill in the House of Lords and House of Commons on 16 and 14 July respectively. It proceeded to assert that immediate consideration of the question of accession 'savours irresistibly of coercion and undue pressure on [the] States' and maintained that it was 'neither fair nor feasible' to expect them to convey their decision before 15 August. R/3/1/139: ff 131–7.
[11] Vol. VII, No. 262. [12] Vol. XI, No. 45, para. 18.
[13] See eg Vol. X, No. 181, note 2.

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HIS EXCELLENCY pointed out that his responsibility as Crown Representative would end on 15th August. He reiterated that he had no intention of applying pressure; but he pointed out that, whereas he could guarantee the terms of the present Instrument up to 15th August, he could do nothing to help after that date. There was no other reason for speed. If the Maharaja of Indore thought that he would get better terms after 15th August, it was open to him to wait until then.

THE NAWAB OF BHOPAL pointed out that the Cabinet Mission's Memorandum of 12th May, 1946, had given an option to the States to enter into political or treaty relationships with the successor authorities. Now Congress were saying that they would not accept standstill arrangements with those States which did not accede.

THE VICEROY said that he had no official information that this was indeed the Congress policy, although he had heard a rumour to the effect the previous day. He pointed out that, after 15th August, the decision on whether or not to enter into agreements would be for the new Governments and the States only. There would be no Crown Representative to help them. Perhaps the reason for this reported intention on the part of Congress was that they presumed that the standstill arrangements covered under Clause 7 of the Indian Independence Bill[14] were adequate and sufficient to maintain the life of India and to prevent chaos. It was clearly impossible to compel the new Governments to enter into treaties, or even standstill agreements against their will.

THE VICEROY explained that he was being attacked as "pro-Prince" for having produced the present plan. Sardar Patel was similarly being attacked. It was touch and go whether Sardar Patel would get it through, but he had accepted all that he (The Viceroy) had suggested, most loyally. Presumably it was essential for Sardar Patel to retain some bargaining power with the Party extremists. THE VICEROY asked the Nawab of Bhopal whether he admitted that a month previously neither of them had dreamed that he would get as far as he had done with Congress. With this THE NAWAB OF BHOPAL heartily agreed.

THE VICEROY added that it was his private opinion that Sardar Patel would not be able to afford to remain conciliatory after 15th August.

THE NAWAB OF BHOPAL asked whether the Viceroy considered it probable that the Government of the Dominion of India would, in the future, honour the Instruments of Accession which were being signed now. THE VICEROY replied that, if they did not, he would be in an extremely strong position to expose them, since he was remaining as Governor-General of India until April.

On a further point raised in the Maharaja of Indore's letter, THE VICEROY stated that His Majesty's Government had not yet given him any decision on whether or not they would recognise the States which stood out as international

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entities. The question of whether Dominion status would be granted to Independent States had already been argued *ad nauseam* and turned down.[15] In his view the States would have had a good case for this if they had all stuck together originally.

THE VICEROY stated that those States which did not accede would, so far as he knew, no longer retain the advantages of connection with the British Commonwealth. The subjects of those States, he had been advised, would no longer be British protected persons. Surely the difference between treaty relationship and accession lay primarily in this point, since the treaty would not be with the Crown. He had in fact convinced Sir C. P. Ramaswami Aiyar that treaties might well prove far more disadvantageous than accession.[16]

THE VICEROY went on to say that he fully realised the difficulties peculiar to Bhopal. They arose also in the cases of Kashmir and Hyderabad, though not so seriously with Kashmir, which was so placed geographically that it could join either Dominion, provided part of Gurdaspur were put into East Punjab by the Boundary Commission.

THE VICEROY emphasised that when the new Constitution of the Dominion of India was made and put into effect, it would include clauses dealing with the States, which the representatives of the acceding States would have helped in framing. If these did not suit the Rulers, it was specifically laid down in the present Instrument of Accession that they could think again. This second choice was not, on the other hand, given to the Dominion of India.

[14] No. 164.
[15] See Vol. X, Nos. 176, para. 6, 517, Minute 6, 523, 533 and 553, Minute 4.
[16] See No. 228, para. 18.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/WS/1/1046: f 136

IMPORTANT NEW DELHI, *4 August 1947, 5.40 pm*
Received: 4 August, 5.40 pm

No. 3138-S. Your telegram 9980 August 1st[1]
North West Frontier policy. Jinnah put out a statement[2] on July 30th in which he assured the tribal areas on behalf of Pakistan that the Pakistan Government would like to continue after August 15th all treaties, agreements and allowances until such time as representatives of the tribes and of Pakistan Government

[1] No. 309.
[2] See *The Times of India*, 31 July 1947. For the text of Mr Jinnah's statement regarding the tribal areas, see No. 349.

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have negotiated new arrangements. He added that Pakistan had no desire whatever to interfere in any way with traditional independence of the Tribal Areas and also said "We have every intention and desire to have most friendly relations with the Government of Afghanistan".

I do not think it would be useful for me to carry matter further at the moment. It would be much better to leave Pakistan to ask for consultation and help from India in due course with view to deciding a common policy towards the Afghan Government. At the moment the atmosphere is not at all favourable here for discussions of this kind.

Both Jinnah and Nehru have agreed that the Joint Defence Council should hold discussion with representatives of Chiefs of Staff on Commonwealth defence problems which will probably include the North West Frontier.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/89: ff 212–37

SECRET GOVERNMENT HOUSE, LAHORE,
NO. 699 *4 August 1947*

Dear Lord Mountbatten,

Your Excellency asked me on 20th July to prepare a memorandum on the main criticisms against the Punjab Government for its handling of the current disturbances.[1] I enclose a memorandum which is, I am afraid, rather sketchy; I have a good deal of other work on my hands, and though most of the material required for a full survey is on record, it takes time to get it arranged.

2. I have not dealt in the memorandum with the allegations of partiality made at different times against me personally by the Congress and the Muslim League. Indian politicians and journalists seldom realise that a Governor maintains very close touch with the Governor-General, and takes no important action without the Governor-General's knowledge. I am content to leave it to Lord Wavell and Your Excellency to decide whether my letters and telegrams since I took charge in the Punjab on 8th April 1946 have disclosed a bias for or against any party. These documents give a complete account of political conditions in the Punjab as they appeared to me from time to time, and my appreciations and recommendations for action were generally approved both by Lord Wavell and by Your Excellency. In only one case has a critic dared to make a specific allegation—in a recent editorial in "Dawn" it was stated that the editor "had reason to believe" that I was attempting to influence the higher authorities and the Chairman of the Boundary Commission in favour of the Sikhs. The words "the higher authorities" in this context can only mean the

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Governor-General and Cabinet Ministers in the United Kingdom. I have certainly kept Your Excellency informed of the Sikh view, but I have never advised that it should be accepted, and I have no direct contacts of any kind with Cabinet Ministers at home—except that during disturbed periods I have, in accordance with the standing orders, sent a daily factual telegram describing events to the Secretary of State. Nor have I discussed the boundary problem with the Chairman of the Boundary Commission or attempted to influence him or his colleagues in any way, directly or indirectly. These facts can be proved, and the falsity of this specific allegation indicates the quality of the more general allegations of partiality.

Yours sincerely,
E. M. JENKINS

Enclosure to No. 337

MEMORANDUM

There have been many criticisms of the Punjab Government's handling of the disturbances of 1947. During his visit to Lahore on 20th July His Excellency the Governor-General suggested that I should record them and add my comments.

2. The main criticisms are:—

(i) that while the British were able to crush without difficulty the disturbances of 1942, they failed to deal in the same way with the disturbances of 1947 (Congress—particularly Nehru and Patel).[2]

(ii) that British officials have been callous and incompetent, and have taken the line that since the British are going, massacre, arson and looting are of no consequence (Congress—particularly Nehru and Patel).[3]

(iii) that in the Punjab the worst districts have been those staffed by British officials—Indian officials have managed to maintain order (Congress—Nehru).[4]

(iv) that Congress Governments have had no difficulty in suppressing disturbances—the worst Province of all has been the Punjab, which is still "under British rule" (Congress—Nehru).[5]

(v) that the fire services in the cities, particularly in Lahore and Amritsar, have been inefficient and useless (Congress).[6]

(vi) that the Magistrates and Police have been both incompetent and partial, and that the Police have connived at and actually participated in murder, arson, and looting (Congress).[7]

[1] cf. No. 228, note 21.
[2] cf. Vol. XI, Nos. 218 and 369, para. 5.
[3] cf. *ibid.* [4] cf. *ibid.*, No. 218. [5] cf. *ibid.* [6] cf. *ibid.*, No. 300.
[7] cf. *ibid.*, Nos. 218, 300 and 338, Case No. 155/32/47.

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(vii) that Martial Law should have been declared at least in Lahore and possibly elsewhere (Congress).[8]

Attacks on the administration were not confined to the Congress Party—the Muslim League were equally severe,[9] though less precise except in their constant allegations[10] of partiality against myself.

3. There are two short answers to most of these criticisms.

In the first place, the critics have missed the significance of what is happening in the Punjab. We are faced not with an ordinary exhibition of political or communal violence, but with a struggle between the communities for the power we are shortly to abandon. Normal standards cannot be applied to this communal war of succession, which has subjected all sections of the population to unprecedented strains, has dissolved old loyalties and created new ones, and has produced many of the symptoms of a revolution.

Secondly, the critics are themselves participants in the events which they profess to deplore. During the disturbances Nehru, Patel, and Baldev Singh have visited various parts of the Punjab. They have done so nominally as Members of the Central Government, but in fact as communal leaders. To the best of my belief not one of them made during these visits any contact of importance with any Muslim. Nehru[11] was balanced and sensible; but Baldev Singh[12] on at least two occasions went in for most violent communal publicity, and Patel's visit[13] to Gurgaon was used to make it appear that Hindus in that district were the victims of Muslim aggression, whereas broadly the contrary was the case. Conversely when Liaquat Ali Khan[14] or Ghazanfar Ali Khan visited the Punjab, they did so not to assist the administration, but to assist the Muslims. When a Hindu leader talks about "utter ruthlessness" or "martial law", he means that he wants as many Muslims as possible shot out of hand; Muslims are less fond of these terms, but all communities, Muslim, Hindu, and Sikh persist in regarding themselves as blameless. Moreover, there is very little doubt that the disturbances have in some degree been organised and paid for by persons or bodies directly or indirectly under the control of the Muslim League, the Congress, and the Akali party. The evidence of this is to be found in the daily intelligence summaries, and in the solicitude with which prominent men—particularly among the Hindus—take up the cases of suspects belonging to their own community.

Criticisms which are based upon a genuine or studied misconception of the real situation, and which are made by people with an intense personal interest in the communal struggle cannot be accepted at their face value.

4. Before the criticisms are examined individually, some understanding of the Punjab background is essential. From 1921 to the end of 1942 the Punjab was dominated by home-grown Muslim leaders powerful enough to control, or at least to influence very greatly, the policy of the Muslim League as a whole.

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These leaders saw clearly that the Punjab as it stood then, and still stands until 15th August, could not be governed by a communal party, Muslim or non-Muslim. They therefore developed the Unionist idea—a United Punjab, with a Unionist Party open to members of all communities, under Muslim leadership. As the Muslim League gained strength, the Muslim Unionists were driven to equivocation. They could not deny Pakistan and endeavoured to treat it as a matter external to the Punjab; but it was clear from the first that Pakistan was a vital internal issue and that sooner or later the Punjabi Muslims would have to accept it fully and join the League, or reject it and maintain the Unionist idea. With the death of Sir Sikander Hyat Khan at the end of 1942, the Unionist Party began to disintegrate. The last Unionist Ministry under Malik Sir Khizar Hayat Khan Tiwana continued uneasily until the General Election of 1945–46, which was fought on the most bitter communal lines. Only eight or nine Muslim Unionists survived; with one or two exceptions Hindu Unionists were defeated or absorbed by the Congress party; and Sikh Unionists joined the Panthic Party. The Punjab had reached the worst possible position, so long avoided, in which practically all Muslims were on one side of the fence and practically all non-Muslims on the other.

The situation might have been saved by a genuine coalition between the Muslim League on the one hand and the Congress or the Panthic Party on the other. But communal feeling was too strong, and both the Muslim League and the Congress were under orders from outside the Punjab. A country with thirty million inhabitants was sucked into the vortex of all-India politics; Punjabis ceased to be Punjabis and became Muslims, Hindus, and Sikhs—the Sikhs alone retaining their political independence. In the upshot a makeshift coalition was formed between the Congress, the Panthic Party, and the small Unionist remnant, under the leadership of Malik Sir Khizar Hayat Khan Tiwana.

The new Coalition Ministry took office in March 1946. When I assumed charge as Governor on 8th April 1946, it had just weathered the Budget Session of the Assembly, but had attempted no legislation. The Ministers lacked confidence in themselves and in one another. They were cordially hated by the Muslim League Opposition, and had no contacts with the Opposition. In fact until the Ministry resigned in March 1947, I was the only member of the Government who could meet members of the Opposition naturally and without constraint.

During the remainder of 1946 the Coalition Ministry managed better than might have been expected. The Ministers were terrified of the Legislature, and when, in July 1946, a Session became inevitable for the elections to the

[8] cf. *ibid.*, No. 320. [9] cf. *ibid.*, Nos. 455 and 472.
[10] cf. *ibid.*, Nos. 305, note 1, 339, para. 8 and 506, para. 7.
[11] and [12] cf. *ibid.*, No. 12, paras. 4 and 5.
[13] No record has been traced of Sardar Patel's visit to Gurgaon in the India Office Records.
[14] cf. Vol. XI, No. 11.

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Constituent Assembly, they used their small majority to secure the adjournment as soon as the obligatory business was over. They were most ingenious in avoiding legislation, thus depriving the Opposition of opportunities of constitutional combat; they were equally ingenious in annoying members of the Opposition in various small ways. Many of the Muslim League complaints against the Ministry were exaggerated or untrue; but the tactics and conduct of the Coalition Ministry were intensely annoying to the Muslim League, and with some reason. The largest single party had been shut out of office, and might have to wait indefinitely for its turn.

In these highly explosive conditions, the news of communal disorders on an unprecedented scale in Bombay, Calcutta, Noakhali, Bihar, the Western United Provinces and the N.W.F. Province caused great alarm. The Coalition Ministry took strong action. Minor trouble which occurred in Amritsar and Multan early in the summer had been effectively dealt with; and more serious disturbances at Ludhiana and Rohtak later in the year were quickly suppressed. The Rohtak disturbances were directly connected with those in the Western United Provinces, and were extremely dangerous. A "civil war" atmosphere was at this stage developing throughout the Punjab, and all communities were arming for a struggle which seemed inevitable. The Punjab Public Safety Ordinance,[15] promulgated in November 1946, reflected the views of the Ministry on the situation.

The Ministry saw that "private armies" might play a large part in communal strife. Two of these—the Muslim League National Guards and the Rashtriya Swayam Sewak Sangh—were prominent and were growing rapidly. The Sikhs had disbanded their Akali Sena about 1940, and it was thought undesirable that they should have an excuse for reviving it. In January 1947 the Ministry accordingly banned the Muslim League National Guards and the Rashtriya Swayam Sewak Sangh under the Criminal Law Amendment Act, 1908. I had advocated this action some months earlier, and concurred in the January decision.[16]

The banning of the Muslim League National Guards was the signal for a Civil Disobediance movement by the Muslim League. This movement was modelled on the Congress movements of the nineteen-twenties, and its object being to dislodge a "popular" Ministry, it was clearly unconstitutional. The "defence of civil liberties" was an inadequate cloak for the real intentions of the demonstrators. By the middle of February the Coalition Ministry decided to compromise with the Muslim League, and did so on about 26th February. The movement had induced a universal contempt for law and order, and the extreme arrogance of the demonstrators had alarmed the non-Muslims to the point of hysteria.

In the meantime on 20th February His Majesty's Government had announced their intention of leaving India not later than 30th June 1948, and of transferring

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power to a successor Government or to successor Governments whose identity was unknown. The Muslims were anxious, and apparently almost ready, to seize the whole of the Punjab for Pakistan; the non-Muslims were passionately determined that they should not do so.

The Coalition Ministry, shaken by the Civil Disobedience Movement, and profoundly depressed by the Statement of 20th February, decided initially to see the Budget session through, and to attempt during or after the Session some party adjustments. That at least was the Premier's intention, in which his colleagues concurred. But quite suddenly, and for reasons not fully known to me, the Premier decided on 2nd March to resign. He did so late in the evening, and on 3rd March after seeing the Finance and Development Ministers (to whom the Premier's decision had been a considerable shock), I sent for Mamdot and asked him to form a Ministry.[17]

The non-Muslims believed that a Muslim League Ministry would destroy them, and there was little hope of a Coalition, without which Mamdot could not count on a majority in the Assembly. To clinch the matter the Congress and Panthic Sikhs held a large meeting in Lahore on the evening of 3rd March at which very violent speeches were made. On the morning of 4th March rioting broke out in Lahore.[18]

On the evening of 4th March, the outgoing Ministers refused to carry on in accordance with the usual convention; and since on 5th March Mamdot showed no signs of producing a Ministry, a proclamation[19] under section 93 of the Government of India Act, 1935, was made on the evening of that date.

Thus I assumed direct personal charge of the Punjab with the Muslims intent upon the communal domination of the whole of it, the non-Muslims determined not to submit to Muslim domination, fighting in progress in the principal cities, and the prospect of "vacant possession" for some person or persons unknown not later than 30th June 1948. I was without Advisers, because a sufficient number of senior officials was not available. It was clear that a communal Ministry—Muslim or non-Muslim—had no hope of survival. It was equally clear that a new Coalition was out of the question. Between March 1947 and June 1948 officials would inevitably be driven to take sides, and the services would disintegrate. The prospects were therefore not encouraging.

It has been represented from time to time that Mamdot could have formed a Ministry during March. In fact Mamdot showed little eagerness to form a Ministry—the events of the first half of March were too much for him—and it is my belief that he has not at any time had the support of a majority in the Assembly.

[15] See Vol. IX, No. 135.
[16] See *ibid.*, No. 310.
[17] See *ibid.*, No. 476.
[18] See *ibid.*, No. 481.
[19] See *ibid.*, No. 493.

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5. Rioting broke out in Lahore City on 4th March, as I have said above. The disturbances since that date have fallen into three main phases:—

(i) *4th March to 20th March.* Rioting in Lahore, Amritsar, Multan, Rawalpindi, Jullundur and Sialkot Cities. Rural massacres of non-Muslims in Rawalpindi, Attock and Jhelum Districts of the Rawalpindi Division, and in Multan District, casualties very heavy, and much burning especially in Multan and Amritsar. I was able to report[20] on 21st March that order had been restored everywhere.

(ii) *21st March to 9th May.* Minor incidents in many districts. Serious rioting and burning in Amritsar 11th–13th April with some repercussions in Lahore. Trouble at Hodal, a small town in Gurgaon district, followed by the first outbreak along the Mewat in the same district.

(iii) *10th May onwards.* The communal "war of succession". Incendiarism, stabbing, and bombing in Lahore and Amritsar. Serious incidents reported from various districts, particularly Gujranwala and Hoshiarpur. Urban rioting almost unknown, and all activities in cities, including some organised raids, conducted on "cloak and dagger" basis. Village raiding begins, especially in Amritsar, Lahore, Ferozepore, Jullundur, and Hoshiarpur districts. Revival of disturbances in Gurgaon with 140 villages burnt and very heavy casualties.

The first phase presented many of the features of normal communal disturbances of the past. The urban slaughter was without precedent (in Multan City about 130 non-Muslims were killed in three hours), and the wholesale burnings both urban and rural, and the rural massacres were new. But on the whole, the situation yielded to the usual treatment.

The second phase was used by the communities for preparations. It was relatively quiet, but there was much practising with bombs, and ill-feeling never really died down in Lahore and Amritsar.

The third phase showed the real dimensions of the problem. The communities settled down to do the maximum amount of damage to one another while exposing the minimum expanse of surface to the troops and police. Mass terrorism of this kind offers no easy answer—troops and police can act, and sometimes act decisively, against riotous mobs. They can do little against burning, stabbing and bombing by individuals. Nor can all the King's horses and all the King's men prevent—though they may be able to punish—conflict between communities interlocked in villages over wide areas of country.

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The casualties in all three phases as reported up to 2nd August are:—

A.	*Urban*	*Killed*	*Seriously injured*
	Lahore	382	823
	Amritsar	315	666
	Multan	131	133
	Rawalpindi	99	230
	Other cities	117	171
		1044	2023

B.	*Rural*	*Killed*	*Seriously injured*
	Rawalpindi	2164	167
	Attock	620	30
	Jhelum	210	2
	Multan	58	50
	Gurgaon	284	125
	Amritsar	110	70
	Hoshiarpur	51	19
	Jullundur	47	51
	Other districts	44	36
		3588	550

C.	*Total* Urban and Rural	4632	2573

The figures are clearly incomplete, especially for Gurgaon, where the dead and wounded are usually removed by their own party. In my opinion not less than 5000 (and probably not more than 5200) people have been killed in all, and not more than 3000 seriously injured.

The figures are not classified by communities; but in the cities the Muslim and non-Muslim casualties must now be approximately equal. Almost all the casualties in the rural areas of Rawalpindi, Attock, Jhelum and Multan are non-Muslim. In the other districts (at a rough guess) two-thirds of the casualties may be Muslim.

[20] See *ibid.*, No. 558.

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On this basis I would put the communal distribution of casualties approximately as follows:—

A.	*Urban*	*Killed*	*Seriously injured*
	Muslim	522	1011
	Non-Muslim	522	1012
		1044	2023

B.	*Rural*	*Killed*	*Seriously injured*
	Muslim	357	201
	Non-Muslim	3231	349
		3588	550

C.	*Total*		
	Muslim	879	1212
	Non-Muslim	3753	1361
		4632	2573

Since a large proportion of the unknown Gurgaon casualties are Muslim, of the 5000 persons probably killed perhaps 1200 are Muslims and 3800 non-Muslims; while of the 3000 persons believed seriously injured about 1500 belong to each community.

The destruction of property by fire has been very great, though less than is sometimes represented. Among the cities Lahore, Amritsar and Multan have suffered most. The Deputy Commissioner of Lahore reports[21] that up to 28th July 1947 of 20,256 houses within the walled city 1120 or 5·5 per cent had been destroyed; while outside the walled city of 50,519 houses 225 or ·4 per cent had been destroyed. The total destruction in the City of Lahore Corporation Area thus amounts, in terms of houses, to 1·8 per cent. A "house" may, however, be anything from a large hotel or office building to a thatched hut, and outside the walled city the damage (except in one or two areas) is not readily noticeable. Similar figures are not immediately available for Amritsar and Multan.

In the Rawalpindi Division and the Gurgaon district there has been much burning of villages. In many Gurgaon villages, however, the mud walls of the houses are sound, and only the roofs and rafters have been destroyed.

No accurate estimate has been made of the total damage.

Throughout the disturbances efficient liasion and excellent relations were maintained with the Army and R.A.F. I could not have wished for better

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cooperation and support on the part of the General Officer Commanding-in-Chief, Northern Command, and the Commanders employed under him; and the troops who were required to perform unpleasant tasks in conditions of great discomfort, behaved admirably.

Special powers for dealing with the disturbances were taken in the Punjab Disturbed Areas Act, 1947, the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, and the Punjab Public Safety Act, 1947.

I turn now to a detailed examination of the criticisms set out in paragraph 2 of this memorandum.

6. (i) *that while the British were able to crush without difficulty the disturbances of 1942, they failed to deal in the same way with the disturbances of 1947.*

The disturbances of 1942 were most serious in the United Provinces and Bihar. They were not crushed without difficulty in these Provinces, and I doubt if Bihar has been completely normal since they took place. In the Punjab, where the disturbances of 1942 were conducted by a handful of Congressmen, and the great mass of the people were not opposed to the War effort, they were of little importance.

The disturbances of 1942 in the Provinces in which they were serious were (*a*) initiated by a single political party, against (*b*) Governments actually at war, which (*c*) had at the time no intention whatever of transferring power to any other authority.

The disturbances of 1947 were (*a*) initiated by the communities, against (*b*) one another in the presence of (*c*) a Government which was to transfer power to an unknown successor or successors not later than June 1948.

The object of the disturbances of 1942 was to facilitate the defeat of the British in war by the Germans and the Japanese.

The object of the disturbances of 1947 was to secure a more favourable position for one community or the other on the transfer of power (e.g. in the Rawalpindi Division the underlying idea was to eliminate the non-Muslim fifth column; in Lahore the Muslims wanted to scare away the non-Muslim element in the population, and so on.)

In 1942 attacks were concentrated on Government property and Government servants, in other words on points that were largely known.

In 1947 little attention was paid to Government property and Government servants—the "two nations" fought one another in the streets, in the markets, in the fields, and in the villages. When it was found that rioting could be checked, the fighting took the form of mass terrorism.

The critics are evidently not comparing like with like. There is no resemblance whatever between the two situations. A more relevant comparison is between 1946 and 1947. Throughout 1946 the Punjab was in grave danger.

[21] See No. 228, note 21.

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The measures taken to deal with communal trouble were essentially my own, though constitutionally taken by the Ministry, and I had at my disposal the same resources as I had in 1947. It was the knowledge that power was to be transferred that made the disturbances of 1947 so much more widespread and persistent than those of 1946.

7. (ii) *that British officials have been callous and incompetent, and have taken the line that since the British are going massacre, arson and looting are of no consequence.*

This criticism is easy to make, but difficult to prove or to disprove. In two cases I was informed that British officials had told persons who asked for help that they should "consult Nehru or Patel". On enquiry the allegations in both cases were found to be false. I attribute the criticism to two main causes—*first* that the British as a race do not always talk seriously about things which they take seriously; and *secondly* that, to use the current psychological jargon, the average educated Indian is compelled to rationalize the behaviour of his countrymen. As an example of the first cause, Nehru was evidently shocked at a reference by the former Deputy Commissioner of Gurgaon to the "score" of casualties in communal fighting. The analogy from football may sound callous, but it is a convenient way of expressing a thought always in the mind of an experienced District officer, namely, that trouble seldom stops when the number of combatants are roughly equal until casualties are also roughly equal The second cause is less definite, but the role of scape-goat or whipping boy is not unfamiliar to officials in India.

I am satisfied that no British official has been callous. There are not many British officials left, and those actually concerned with the disturbances have worked with devotion and humanity. They have been incessantly baited by the politicians.

Competence is a different matter. Two officers of the Indian Police and one member of the Indian Civil Service[22] broke down and either asked or had to be relieved. The strain of prolonged civil disturbances differs from that of war, but is not less severe. I have experienced both. I am satisfied that the British members both of the Indian Civil Service and of the Police maintained the high traditions of their respective Services. They have certainly not been influenced by their approaching departure. In particular the Inspector-General of Police and the few British officers of his headquarters staff—all of whom are heavily worked—have taken duty voluntarily in Lahore City night after night, in the control room, on patrol, and extinguishing fires.

The criticism assumes that we have failed, and that the small remaining body of British officials is responsible for the failure. In fact, nobody who has not lived through the last six months in the Punjab can conceive of the dangers we have escaped. To take a Province of thirty million people noted for their pugnacity, to whip these people into a communal frenzy, to tell them that the

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authority which has held the ring for nearly a century is going almost immediately, to divide their Province into two parts by a boundary driven through an area homogeneous in everything but religion, and to convert its two principal cities into frontier towns—these are surely no ordinary operations, and if the critics thought that they would not be attended by disorder, the critics were wrong. It is largely owing to the steadiness and impartiality of the British officials that the Punjab has so far got through as well as it has.

8. (iii) *that in the Punjab the worst districts have been those staffed by British officials—Indian officials have managed to maintain order.*

The present disturbances are too large and arise from causes too deep-seated for the personality of individual officials to affect their course decisively.

In the Rawalpindi Division, the Commissioner and Deputy Inspector-General of Police were British. The Deputy Commissioner and Superintendent of Police of Rawalpindi were also British. The Deputy Commissioners of Attock and Jhelum were both Indian when the trouble began (with a British and an Indian Superintendent of Police, respectively), but I sent a British member of the I.C.S. to Attock shortly afterwards. The disturbances were so serious that it was necessary to employ the whole of 7th Indian Division plus Rawalpindi Area troops. Peace was restored in under fourteen days, and has since been maintained.

In the Multan Division the Commissioner and Deputy Inspector-General of Police were both Indian. The Deputy Commissioner and Superintendent of Police of Multan were both British. No district other than Multan was seriously affected. The disturbances were suppressed within six hours and there has been no recurrence.

In the Lahore Division, the Commissioner was Indian and the Deputy Inspector-General of Police British. The Deputy Commissioner and senior Police officers in the Lahore and Amritsar Districts were British. The disturbances in Lahore and Amritsar Cities have never been entirely suppressed.

In the Ambala Division, which includes Gurgaon, the Commissioner when the disturbances of May-June broke out was British and the Deputy Inspector-General of Police was Indian. The Deputy Commissioner of Gurgaon was British, and the Superintendent of Police Anglo-Indian.

The fact is that British officials are (and always have been) posted to the districts most likely to give trouble. Until the early nineteen thirties there were few Indian members of the I.C.S. or Indian Police considered by the then standards sufficiently senior to hold charge of districts like Lahore and Amritsar. There has been one Indian Deputy Commissioner of Lahore, and the City behaved no better and no worse with him than with his British predecessors and successors. Under the pre-1937 régime it was thought unfair

[22] Presumably a reference to Mr P. Brendon. See Vol. XI, Nos. 141, note 1 and 299.

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when British members of the two Services were available to expose Indians to the political and communal pressures of places like Lahore and Amritsar, and the Ministers from 1937 onwards seem to have seen advantage in posting "neutrals" to such districts. To suggest that the Deputy Commissioners of Lahore and Amritsar have stimulated or connived at communal trouble is manifest rubbish. Amritsar with its large and turbulent city is clearly more likely to give serious trouble than (say) Gurdaspur or Hoshiarpur—I happen to have been Deputy Commissioner of all these districts—and to argue that because Amritsar under a British Deputy Commissioner is troublesome while Hoshiarpur under an Indian is not, the British official is responsible for the trouble in Amritsar is logically unsound. I might as well argue that because at the moment Hoshiarpur with a completely Indian staff is giving very serious trouble, while Gurdaspur, with a British Deputy Commissioner and Superintendent of Police, is relatively steady, the trouble is due to the Indian staff in Hoshiarpur. The whole criticism is a further example of the psychological "rationalization" on which I touched in dealing with criticism (ii). As the award of the Boundary Commission approaches, and the districts without big cities become affected, it is clear enough that Indian staffs have exactly the same problems as British staffs, and handle them in the same way.

9. (iv) *that Congress Governments have had no difficulty in suppressing disturbances—the worst province of all has been the Punjab which is still "under British rule".*

During 1946 and/or 1947 very serious disturbances occurred in:—
Bombay under a Congress Government.
Calcutta and Noakhali under a Muslim League Government.
Bihar under a Congress Government.
The N.W.F.P. under a Congress Government.
The United Provinces under a Congress Government.

The disturbances in Bombay have never been entirely suppressed. In Bihar and the United Provinces they took the form of a massacre (for no discernible purpose in view of the political supremacy of the non-Muslims) of the Muslim minority in very considerable areas. In the N.W.F.P. there was a similar massacre of non-Muslims. In none of these Congress Provinces was there any question of a struggle for power, and the surprising thing is not that the disturbances were suppressed (in fact they were not in Bombay and the N.W.F.P.) but that they occurred at all.

In Bengal conditions are similar to those in the Punjab—there is a genuine *casus belli* which makes all the difference.

It is questionable whether the Punjab has been worse than any other Province. Bihar almost certainly produced the largest butcher's bill.

The criticism is clearly based on false premises. As for the Punjab being still

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"under British rule", I need only point out that "rule" connotes some degree of permanence. The troubles are due not to "British rule" (British rule in law and order matters ceased in 1937 and is not restored save in a very technical sense by a transient Section 93 administration) but to the fact that what remains of "British rule" is now ending.

10. (v) *that the fire services in the Cities particularly in Lahore and Amritsar were inefficient and useless.*

This is partially true. The regular fire services in all Punjab Cities are bad.

During the war a fine Provincial Fire Service was built up—Lahore had 59 trailer fire pumps with accessories, and 20 towing vehicles, and a Fire Brigade with a nominal strength of 619, though this strength was never actually reached. Amritsar had 33 pumps, 10 towing vehicles, and a Fire Brigade with a nominal strength of 356.

In 1943 when the Provincial Fire Service was disbanded (the threat from the North West which seemed real at one time having disappeared) it was proposed to put the City Fire Brigades on a sound footing. For Lahore 16 pumps and a Brigade strength of 172 were recommended; and for Amritsar 9 pumps and a Brigade strength of 95.

The then Finance Minister (Sir Manohar Lal) decided that the "peace-time" plan must be abandoned. He argued that serious fires seldom occur in Indian Cities, and that if there is a fire there are plenty of people to put it out. The equipment was accordingly sold and the "war-time" Brigades dispersed. Similar decisions have been repeatedly made in the U.K. since the days of Pepys, and there was nothing surprising in the democratic desire for economy.

The result was, however, that when the disturbances began the Lahore Corporation had only three pumps and a Brigade 33 strong. Amritsar was in the same condition, with a Brigade strength of 39.

As soon as fires began every possible use was made of pumps and teams belonging to the Army, the R.I.A.F., the North Western Railway, and the Police in Lahore, and several new pumps were acquired. In Amritsar similar use was made of local resources—e.g. the equipment at the Central Workshops of the Irrigation Department.

Experience in Lahore may be taken as typical. Fires fall into three classes—

(i) unsuccessful attempts, when a lighted cloth or incendiary bomb is thrown into a house or placed against the external wood-work but fails to cause a fire;

(ii) "small fires" which are detected and extinguished before extensive damage is done to the structure concerned, and

(iii) "large fires" which gut a complete building and may spread.

In spite of the difficulty about pumps and the poverty and inaccessibility of the water supply (a feature of all old Indian Cities) early efforts at control were

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fairly successful. Incendiarism as an essential part of the Communal war did not really get started until about 14th May. Between 4th March and 14th May there were 55 fires—including 31 attempts, 19 small, and 5 large. In other words only 5 out of 55 fires were not controlled.

The Deputy Commissioner of Lahore has collected figures for the three months 14th April to 14th July—a period which includes one month before the real incendiarism began and two months of incendiarism. The figures are:—

Nature of Fire	*Muslim property*	*Non-Muslim Property*
Attempts	58	112
"Small"	38	149
"Large"	20	234
Total incidents	116	495
	611	

During the three months there were 611 incidents (during the worst period sometimes 20 or 30 incidents a day) of which 357 were controlled and 254 were not controlled. The proportion of fires controlled in Muslim buildings is much higher than that of fires controlled in Hindu buildings. The Muslims did not leave Lahore, and were extremely active in protecting their own property. The Hindus abandoned a very large number of buildings, and fires in Hindu property thus tended to become uncontrollable before they were detected.

I have given in paragraph 5 of this memorandum such particulars as are available of the damage done by fires in Lahore.

Generally, given the "war" atmosphere, the skill with which fires were started by individuals using specially prepared incendiary material, the scanty co-operation of the public, and the physical strain of fire fighting with inadequate equipment in shade temperatures of anything from 108 to 118, I think the officials concerned and the Fire Brigades did well. The campaign was intended to make Lahore too hot to hold the Hindus and Sikhs; it raised problems similar to those of the fire Blitzes in London and we were ill prepared to deal with them. Frankly, I do not see how very large losses could have been prevented, though we may have failed to control some fires which might have been controlled.

11. (vi) *that the Magistrates and Police have been both incompetent and partial, and that the Police have connived at and actually participated in murder, arson and looting.*

This criticism does not come well from persons who have themselves shown gross partiality and encouraged it in others.

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Magistrates and Policemen are human beings and are subject to human failing. Some of them are impetuous, lacking in judgment, afraid of responsibility and so on. When any large body of men is employed on duties connected with large-scale disturbances, there will be a certain number of personal failures. Critics of the administration never realise this, and attribute to Communalism or worse occurrences which merely indicate that a man is timid or lazy or otherwise not up to his work. There have, naturally, been cases of neglect of duty and indiscipline; but not more than might be expected in the circumstances.

The question remains whether, apart from personal failures, the Magistrates and Police have shown incompetence or partiality.

As regards their alleged incompetence, it must be remembered that the Punjab has for the better part of a century been a reasonably peaceful Province, and that the standing establishment of Magistrates and Police is designed to deal with normal conditions. The average rural Police Station—dealing perhaps with 100 villages scattered over 100 square miles of country—has a strength of not much more than a dozen men. In the Rawalpindi Division extravagant charges of incompetence were made against unfortunate Police Sub-Inspectors, who could not deal simultaneously with several calls for help. In the same way, even with reserves thrown in our Police strength in the Cities was inadequate. On an average, the number of Policemen employed in the Lahore Corporation area during the disturbances has been 3,000—equivalent to one for 27 acres and three to 1,160 of the population. Free use has of course been made of troops, but troops are not, for certain purposes, a complete substitute for Police. I am satisfied that there has been no general incompetence on the part of the Magistrates and Police—no country is normally organised to deal with a communal war, and the best possible use has been made of the somewhat limited resources available.

Partiality is a more difficult matter. There is no doubt at all that it was part of the Congress plan to attack the Police as a Muslim force, and to compel the administration to replace the Police with non-Muslim troops; also to harry Muslim Magistrates. The Muslim League were equally determined to shake the confidence of non-Muslim Magistrates and Policemen. As the disturbances wore on and partition became a certainty, the Civil Services, including the Punjab Civil Service and the Police, began to split communally, and there is no doubt at all that whatever may have been the case on 4th March, every civil official is now acutely conscious of his community. I believe that the average Magistrate and the average Policeman still do their work reasonably well from force of habit; and there have been many cases in which a man has been extremely active against his own community. But the critics themselves have encouraged communalism for their own political ends, and no normal man will go out of his way to be unpopular with his new masters. No gross case

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of partiality has been proved; I know of one Magistrate who has probably abused his position, and others who may be unable to suppress their communal feelings. In view of the incessant stream of complaints, largely false and all exaggerated, the surprising thing is not that the Services are breaking up but that they have lasted so long.

That the Police have participated in murder, arson, and looting is untrue. Individuals have misbehaved in various ways and have been dealt with when caught; but as a body the Police have not taken sides.

The shortest possible answer to the critics is "*Vous l'avez voulu*".

12. (vii) *that Martial Law should have been declared at least in Lahore and possibly elsewhere.*

The critics are under a misconception about Martial Law. The Congress believed that if the Police (largely Muslim because Hindus and Sikhs were reluctant to enlist in ordinary times) could be withdrawn, and if non-Muslim troops could be substituted for them, and if Martial Law could be declared—then the General administering Martial Law would suppress the Muslims with "utter ruthlessness" and all would be well.

The General Officer Commanding in Chief, Northern Command, the Lahore Area Commander, and now the Commander, Punjab Boundary Force, have all advised against the declaration of Martial Law, and I have myself been opposed to it.

We are not at present dealing with a situation in which Troops can act decisively—"Cloak and dagger" activities are extremely difficult to control, and the best method of controlling them is patient investigation combined with improved intelligence. There is no short-cut by Civil or by military procedure; for neither a Civil Governor nor a General adminstering Martial Law can properly shoot innocent people merely because they happen to be, or to live, near the scene of an outrage.

The only immediate benefit from Martial Law would be the quicker trial and punishment of offenders. Our performance in this matter has been most unsatisfactory—owing to the enormous number of cases, the lack of trained staff, and the general feeling that all cases will be dropped on 15th August, investigations and trials have been slow, and there have been practically no death sentences.

On the other hand we have made so much progress with intelligence that we could probably within another six months break up every active terrorist gang. The local critics who ask for Martial Law are already alarmed and would like us to "lay off". What they would say if Martial Law were declared and administered properly, I do not know; but so far they have objected to any drastic action against their own community.

The short answer to this criticism is that Martial Law would in present

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conditions be inappropriate, and that this is the view of the Senior Military Commanders, as well as my own view.

13. If I have succeeded in showing that we have in the Punjab the kind of situation in which people fight—a situation as real as that in Palestine, which incidentally is about equal in area to, and considerably smaller in population than, the Multan and Muzaffargarh Districts; that the critics themselves are in part responsible for this situation and have given no help to the authorities; that talk about the inefficiency of British rule ignores the fact that the object of the present exercise is to eliminate it; and that on the whole we have done our best in an intolerably difficult situation; this memorandum will have served its purpose. The future is unknown and it would be idle to speculate upon it. But it is a certainty that our present critics will have it both ways—if things go badly it will be because the British made them so; if things go well it will be because of Indian efficiency. It is perhaps worth pointing out that the grouping of forces and the problems to be solved will be entirely different from 15th August, and that neither improvement nor deterioration after that date will prove anything whatever.

E. M. JENKINS,
GOVERNOR OF THE PUNJAB
4.8.47[23]

[23] Sir G. Abell minuted on 6 August: 'I am not quite sure how Y.E. intended to use this memorandum, but I think a copy should certainly be sent to the Secretary of State for record. I have considered whether it might be shown in strict confidence to one or two foreign correspondents, but it contains criticisms of Congress leaders, and I think this would be wrong.' Lord Mountbatten minuted in reply: 'Copy to be made (single spacing not too big a margin) in VPR style for sending as an unattached enclosure to the last VPR. M.' R/3/1/89: f 238.

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Sir E. Jenkins (Punjab) to Sir G. Abell

Mountbatten Papers. Official Correspondence Files: Punjab, Security Arrangements for Partition

SECRET GOVERNMENT HOUSE, LAHORE, *4 August 1947*

My dear George,

I am sending Savage down with some papers which I think HE should see or know of. The principal character[1] mentioned seems to me to be cracked. The question is whether to put him in the bag now, or chance it. Either way is bad; on the whole I would chance it.

Yours,
E. M. JENKINS

[1] Presumably a reference to Tara Singh; see No. 345.

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Cabinet

India and Burma Committee. I.B.(47) 44th Meeting, Minutes 3 and 4

L/WS/1/1092: ff 183–5

SECRET

Those present at this Meeting held at 10 Downing Street, S.W.1, on 4 August 1947 at 4.00 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Mr Alexander, the Earl of Listowel, Mr A. Henderson

Also present were: Mr J. Freeman, Sir H. Brittain, Sir H. Wilson Smith, Sir G. Laithwaite, Mr A. Dibdin

Minute 3

Role of British Troops in India

THE MINISTER OF DEFENCE drew attention to the Viceroy's telegram No. 3039–S of 30th July[1] which contained the suggested text of an answer which he might give in the House of Commons on 6th August about the role of British troops in India after 15th August. He said that, owing to a leakage[2] in New Delhi, the terms of this answer had now appeared in the Indian press, and he therefore suggested that it should be amended to read as follows:—

> "After 15th August, the Governments of India and Pakistan will be responsible for the maintenance of law and order in their respective territories. British troops will not be available to intervene in case of internal disorder and will in fact have no operational responsibility."

The Committee:—

(1) Approved the terms of the answer to be made by the Minister of Defence.

(2) Invited the Secretary of State for India to communicate the draft of the answer to the Viceroy for his comments.[3]

Minute 4[4]

Messages for Indian Independence Day[5]

THE SECRETARY OF STATE FOR INDIA said that a number of Ministers, had received requests for messages in connection with Indian Independence Day on 15th August. He suggested that a more appropriate procedure would be for the Prime Minister, on behalf of all his colleagues, to send messages to the Prime Ministers of India and Pakistan.

The Committee:—

(1) Invited the Prime Minister to send messages, on behalf of His

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Majesty's Government, to the Prime Ministers of India and Pakistan on 15th August.

(2) Invited the Secretary of State for India to prepare the drafts of such messages and to inform members of the Government of (1) above.

[1] No. 283.
[2] Lord Mountbatten had reported this leakage in tel. 3131-S of 3 August and suggested that in these circumstances a further announcement through a Parliamentary Question and Answer was not necessary. L/WS/1/1092: f 189.
[3] Lord Listowel informed Lord Mountbatten of the amended answer in tel. 10088 of 4 August. L/WS/1/1092: f 188. Upon receipt of this telegram Sir G. Abell minuted that a reply was not necessary. R/3/1/82: f 125.
[4] This item has been taken from L/WS/1/1034: f 206.
[5] See No. 317, para. 13.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/139: ff 123–4

IMPORTANT NEW DELHI, *4 August 1947, 11.30 pm*
SECRET *Received: 5 August, 2.15 pm*

No. 3161-S. Your telegram 9947 dated August 1st.[1] Menon has sent Patrick Instrument of Accession[2] as finally accepted by rulers as well as Stand-still Agreement,[3] which States Department have now sent round to States for signature. He has also sent copy of press communiqué[4] announcing decision of some of the States (with whom I had informal discussions) to accede to Dominion. States have been shown adaptations proposed to Government of India Act, 1935. They have thus seen whole picture. I feel that with possible exception of Hyderabad, Indore, Bhopal and Dholpur, all States will join Indian Dominion before August 15th. I am having informal discussions with these States now.

2. I am afraid you have completely misunderstood purport of my speech and object which I am trying to achieve. There is no question of applying any pressure on States nor is it likely that in present conditions States will act under pressure. What I am trying to do is to make them see advantage of offer which they have now received. I am under no illusion as to what will happen to States if they stand out after August 15th. Indore for example will not be able to stand for 24 hours against its own subjects once paramountcy is lifted. It is in the interest of States so situated to make friends with Indian Dominion while they can get good terms and I am sure it is the policy of HMG to help them

[1] No. 307. [2] Enclosure 1 to No. 313. [3] Enclosure 3 to *ibid.*
[4] Enclosure 2 to *ibid.*

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to do so. This is why the issue is so very urgent. We must face up to the fact that gap between ruler and ruled in States is so wide that if something is not done immediately the whole position will be jeopardised. States therefore cannot afford to wait till they see the new picture. For good or ill, neither HMG nor I will have any concern with States after August 15th. I am therefore doing my best while I have bargaining power in my capacity as Crown Representative to see that States get fair offer from Government of India and to induce them to accept it so that conflict which is inevitable if they do not accede could be avoided. Many States who formerly decided to stand aloof before have now seen advantages of present plan and have decided to accede.

3. Though Instrument of Accession as finally accepted by Rulers has not been published, its contents have been given full publicity in Indian press and there is general criticism that the document is weighted heavily in favour of States. If I had not taken a hand in this matter I have no doubt that terms which States now get would not have been offered. I want to finalise this issue before August 15th. If I am unable to do this, terms that States will get after that date will be what Dominion Government are prepared to offer at that time.

4. I am trying my very best to create an integrated India which while securing stability will ensure friendship with Great Britain. If I am allowed to play my own hand without interference I have no doubt that I will succeed.

5. With reference to last sentence of para 3 of your telegram I may mention that Government of India have not raised any objection to maintenance of trade relations between the U.K. and Indian States. This was one of the conditions made by Travancore and Mysore. At the same time I must warn HMG of the serious consequences if they disturb present position and supply arms and ammunition to maritime States who do not accede.

6. I have indicated my views quite frankly and holding these views I cannot subscribe to the reply which is suggested in para 5 in case any question is asked in Parliament. As I have mentioned States have received very generous offer. If disintegration has [?is] to be avoided we have to act very quickly and should give every encouragement to States to come in and not to stand out. I shall be most grateful if before replying to any question on this subject you will give me an opportunity of commenting on the terms of reply.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/91: f 89

IMPORTANT *4 August 1947, 11.55 pm*
CONFIDENTIAL *Received: 5 August, 11.00 pm*

No. 214–G. Your telegram 3162–S of August 4th.[1]
Strength of troops in Greater Lahore exceeds 1 Brigade with tank carriers &c., including 1 battalion whose duties are practically confined to the City and immediate environs.

2. This battalion has 4 standing company bases at Kotwali Fort, University Hall and Civil Lines Police Station.

3. The four company bases find platoon posts at Waterworks, Mohalla Sarin, Hira Mandi Khati Gate cinema. Patrols go out continuously from these posts in detachments as small as sections.

4. Commander, Punjab Boundary Force, with whom I am in close personal touch, hopes to establish more platoon posts as accommodation is arranged for new platoons. He emphasizes that dispositions are constantly changing on civil advice or for military reasons and that present arrangements are a great strain on men employed.

5. Gopi Chand Bhargava seems to want very small military pickets on standing duty in streets. I think soldiers know their business and are doing it very well. I do not recommend interference with discretion of Commander, Punjab Boundary Force and his subordinate Commanders.[2]

[1] See No. 331, note 2.

[2] On 6 August Lord Mountbatten wrote to Pandit Nehru enclosing a copy of this telegram and remarking: 'I think you will agree that we should be wise to leave the matter to those responsible on the spot. There would undoubtedly be danger in scattering the military force too much, and they appear to be available at very short notice at any point inside Lahore.' R/3/1/91: f 92.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/165: ff 50–51

IMPORTANT NEW DELHI, *5 August 1947, 1.15 am*
SECRET

No. 3170–S. As I reported in last week's VPR[1] the situation in the NWFP is very difficult. The League insist on the dismissal of the Ministry. Khan Sahib refuses to resign.

2. I discussed the matter with the members of the Pakistan Provisional Cabinet.[2] We had before us a legal opinion by Spence[3] which I repeat in my next succeeding telegram.[4]

3. In the end I was formally advised (1) to direct the Governor to ask the present Ministry to resign and, if they refused, to dismiss them and call on the leader of the League party to form a new Ministry, or (2) if (1) were unconstitutional to place the Province in Section 93 and direct the Governor to appoint Muslim League leaders as advisers with a view to a League Ministry being installed by the 14th August.

4. I promised to accept the advice rendered me (i.e., either (1) or (2) in that order of preference) provided I was satisfied I could constitutionally do so.

5. I realise that in any case, I act, constitutionally speaking, in my discretion but I must insist on publishing the fact that I have in fact taken advice and am acting on it.

6. The Congress leaders here insist that to dismiss the Ministry or even to go into Section 93 would be constitutionally improper and Nehru and Patel have urgently advised me against dismissing a Congress Ministry in this manner. Jinnah is equally emphatic that the result of the referendum makes it impossible to leave the present Ministry in office after August 15th, and that if there must be a change it is far less improper and less dangerous for me to make it now, and the sooner the better.

7. After August 15th the Governor-General and the Governors will of course have no special powers and a Section 93 régime will be impossible. This legal position can only be changed by the Pakistan Constituent Assembly.

8. I think the best thing I can do is to accept the second alternative put to me by the League (para 3 above) but to make the change over about the 12th August.

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9. I repeat the Governor's latest telegram[5] to give you the background and his own views.

10. I should be grateful if you would (1) let me have expert advice on the constitutional position and (2) show this correspondence to Cunningham and ask for his views.

[1] No. 302, paras. 19–24. [2] No. 301. [3] Enclosure to No. 294.
[4] Not printed.
[5] No. 327.

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Viceroy's Conference Paper V.C.P. 153

Mountbatten Papers

SECRET THE VICEROY'S HOUSE, NEW DELHI,
5 August 1947

THE POSITION OF INDIA AND PAKISTAN WITHIN THE COMMONWEALTH

Attached is a paper prepared by Mr. Morris Jones on the Viceroy's instructions.[1] It will be taken at a future Viceroy's Meeting.[2]

V. F. ERSKINE CRUM
Lieutenant-Colonel
Conference Secretary

Enclosure to No. 343

1. Before 1937, most authorities on the constitution of the Commonwealth were in agreement as to the importance of the Crown as the "symbol of the free association of the members of the British Commonwealth of Nations". With the passing in 1931 of the Statute of Westminster and the consequent breaking of legislative links and with the diminution or disappearance of judicial bonds through the Judicial Committee of the Privy Council, the only tangible mark of unity was the "common allegiance to the Crown".

2. Even so far as this position was concerned, several inroads had been made before 1937. In 1931, the Irish Free State obtained by direct communication

[1] See No. 256, Item 7.
[2] At his 67th Staff Meeting (Item 4) held on 5 August at 3.30 pm Lord Mountbatten said that two points not covered in the paper deserved consideration, namely:
(a) the possibility of joint nationality between the British and the Indians, and
(b) the possibility of convening a Commonwealth Conference in New Delhi. It was possible that Pandit Nehru might be attending the Royal Wedding in November and, if so, this proposal could be put forward officially then.
Lord Mountbatten directed that a copy of V.C.P. 153 should be sent to Sir Walter Monckton for his comments. Monckton's note in reply, dated 19 August 1947, is on Monckton Trustees No. 39: f 123.

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with the King authority to use a new seal under the sole control of the Irish Free State Government—in place of the Great Seal of the Realm. More important was the successful insistence of the Irish Free State before the League of Nations that inter-Dominion relations are strictly international in character. Further, the claim of the Union of South Africa and of the Irish Free State to remain neutral in a war declared by the King on the advice of the British Government emphasised the extent to which "common allegiance" was being modified in practice. The right of secession claimed by the Union of South Africa was another pointer in the same direction.

3. It is not, of course, true to say that there were no bonds at all beyond that of common allegiance. But it certainly was the case that all other bonds were even more intangible and, further, that in any case they derived from the fact of common allegiance. In the words of a leading authority written in 1933, "the constitutional relations of the Commonwealth appear to be those of a loose confederation, whose members are mainly bound by ill-defined and elastic conventional understandings based on a common allegiance." (Prof. Keith).

4. Even this degree of unity was broken in 1937 by the coming into force of the new constitution in Ireland. Declaring Ireland to be "a sovereign, independent, democratic State" and eliminating the Governor-General, the constitution amounted to an act of secession. Yet the statement issued by H.M.G. asserted that they were "prepared to treat the new Constitution as not effecting a fundamental alteration in the position of the Irish Free State as a member of the British Commonwealth of Nations".

5. Now this statement may be regarded merely as what it undoubtedly was at the time—*viz.*, a formula which put a brave face on an embarrassing situation. It may, on the other hand, be taken as the first recognition of the new form of the Commonwealth. That is to say—to translate the matter into terms of India—"a looser association within the Commonwealth" may be sought, not by trying by one means or another to recover the bond of common allegiance to the Crown, but by recognising that even this is no longer necessary as a basis.

6. What is suggested in fact is that the position of India is bound to approximate to that of Ireland and what is required is a reinterpretation of the position of Ireland with a view to its application to India. In this connection, Mr. De Valera's statement of July 1945, is important:— "We are an independent republic, associated as a matter of our external policy with the States of the British Commonwealth. To mark this association, we avail ourselves of the procedure of the External Relations Act of 1938 by which the King recognised by the States of the British Commonwealth acts for us, under advice, in certain specified matters in the field of our external relations . . . . . Are we or are we

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not a member of the British Commonwealth? That is a question for which the material necessary for a conclusive answer is not fully available. It depends on what the essential element is in the constitution of the British Commonwealth. The British Commonwealth claims to be an elastic, growing, developing organism and the statesmen of the Commonwealth have, I think, adopted the view that 'in all political systems there are relationships which it is wiser to leave undefined' ". From this it is clear that the President himself is not prepared to say that Ireland is not a member of the Commonwealth. (Adequate reasons for this attitude may be found in the gains which Ireland may derive from association with the Commonwealth; but that only means that care has to be taken to ensure that these gains are always available.)

7. The issue is therefore no longer one of recapturing the lost basis of association but of devising a sign to mark an association which is based simply on mutual advantages. (This distinction may appear academic but it is of importance in approaching this question.) It may be agreed that if possible some more symbolic mark should be devised than that mentioned by Mr. De Valera—*viz.*, that "the King .... acts for us, under advice, in certain specified matters in the field of our external relations." But if that should prove impossible, it does not follow that association ends.

8. As to what sign may be devised, the nomination by the King of an elected head of the State may be the most effective. The position will certainly be novel and indeed anomalous, but there seems to be no reason why such a step should not be introduced as merely "mark of association", provided always that is is politically practicable. As to the exact title, perhaps "Head of the State" itself would be a simple way out of the difficulty.

9. If H.M.G.'s statement of 1937 is to be taken as the beginning of the new period, the bringing into force of the new constitution of India may be made the occasion for putting the relationships into rather more explicit terms. It may be that it should be stated that there are now two types of States associated in the Commonwealth, distinguished not by any difference in the degree of their autonomy but merely by the formal shape of the link. The new type may be designated "Commonwealth Republics", the rest remaining "Commonwealth Dominions".

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Meeting of the Partition Council, Case No. P.C. 120/15/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present at this Meeting on 5 August 1947 were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Lord Ismay, Mr H. M. Patel, Mr Mohamad Ali, Mr K. V. K. Sundaram, Mr S. B. R. Cooke, Mr Osman Ali, Lieutenant-Colonel Erskine Crum.

Case No. P.C. 120/15/47 Indian Independence (Rights, Property and Liabilities) Order

MR JINNAH said that the only question was whether *de jure* as opposed to *de facto* possession should vest in one or both Dominions. As both Dominions were common beneficiaries until financial adjustments were effected, the *de jure* possession should be with both. This would not, however, make any difference to the user or management of the property which, pending the decision of the Partition Council or the award of the Arbitral Tribunal, would rest with the Dominion in which the property was physically located.

In the course of subsequent discussion, the following points were made:

(1) As a matter of theoretical principle, the joint vesting was probably appropriate, but as a practical solution it would give rise to certain inconveniences in regard to management and administration of the property while in joint ownership.

(2) Some kind of vesting instrument would have to be issued eventually covering all the items of property in one Dominion or the other. There was considerable doubt as to what form that instrument would take.

DECISION

The Council agreed

(1) that Messrs Cooke and Sundaram be directed to prepare for consideration at the next meeting a note, showing

(*a*) precedents,

(*b*) essential differences if any other than legal distinctions, between the vesting of the property in one or both the Dominions,

(*c*) the disadvantages that would flow from the fact of the property vesting in one Dominion to the other Dominion,

(*d*) the advantages, if any, that would flow to either or both Dominions from the fact of the property vesting in both.

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(2) that the Steering Committee should prepare a note for consideration at the next meeting setting out the pros and cons

(*a*) of liabilities being assumed in their entirety by the Dominion of India, and

(*b*) of their being assumed jointly and severally by the two Dominions.[1]

[1] The minute of the discussion on this subject at the next meeting of the Partition Council reads simply that: 'No agreement could be reached on the order.' Mountbatten Papers, Partition Council Minutes, 6 August 1947, Case No. P.C. 126/16/47.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel and Captain Savage[1]

Mountbatten Papers. Viceroy's Interview No. 178

TOP SECRET *5 August 1947, 12.45 pm*

Captain Savage,[2] who was a Police Officer employed in the Punjab C.I.D. Control, said that he had been sent down by the Governor of the Punjab to make a personal report to the Viceroy.[3] He explained that the C.I.D. Control co-ordinated investigation of disturbances cases, special interrogation, and intelligence from all sources.

Captain Savage related that one of the first instigators of disturbances to be arrested had been one Pritam Singh, an ex-member of the I.N.A. He had been roped in on 4th June, in possession of a wireless transmitter. This man was well known to the Punjab C.I.D. as he had been interrogated after arrest on his return to India some years previously from Chopra's Penang spy school. He had been one of the party to be landed in Southern India by submarine. Pritam Singh had made a long statement which involved Master Tara Singh in the production of bombs, and a Sikh plan to attack certain headworks.

Captain Savage said that the next incident at which men had been arrested was an explosion in the Crown Talkies in Lahore. The main arrest in this incident was of Kuldip Singh, who had joined the R.S.S.S. in February 1947. He was a bomb maker and incendiarist and had done a lot of successful work. He was probably involved in six bomb-throwing cases and had specialised in train wrecking. He had been arrested on 30th July.

The next man to be arrested as a result of the statement made by Kuldip Singh and his friends of the Crown Talkies and Lyallpur derailing case was

[1] Sir G. Abell and Lieutenant-Colonel Erskine Crum, who dictated the record, were also present at this interview.

[2] Gerald R. Savage was a Police Officer and held no military rank.

[3] See No. 338.

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Goupal Rai Khosla, a clerk in the Secretariat at Lahore. This man had made a statement which involved Master Tara Singh very deeply. He had seen Tara Singh towards the end of July and had asked for 700 Rs outstanding for the purchase of rifles and for grenades already promised by Tara Singh. He had left one Ram Lal behind with Tara Singh who had got on very intimate terms with him. Ram Lal gave Goupal a note to take to Tara Singh. This contained information concerning trains and was somewhat cryptic. He had asked Tara Singh when he saw him what it was all about, and the reply had been that it referred to the Pakistan special trains carrying staff between Delhi and Karachi. Arrangements had been made to keep Tara Singh informed by wireless of the schedules of the trains.

Captain Savage went on to say that Master Tara Singh had stated that four or five young Sikhs were planning to blow up the Pakistan Special with remote control firing apparatus and after wrecking the Special, set it on fire, and shoot the occupants. Tara Singh had also said that Mr Jinnah should be killed during the ceremonies at Karachi on 15th August.

Captain Savage said that independent and highly reliable sources confirmed Tara Singh's frame of mind as being completely one-track on the subject of revenge on Muslims. Tara Singh was collecting arms through Sikh Army officers and dumping them in States. The Raja of Faridkot had actually given help with transport and other moral and possibly material aid also. Tara Singh was reported to believe that the India and Pakistan Governments were sure to crash immediately.

Sir George Abell gave his opinion that Master Tara Singh should most certainly be arrested.

Captain Savage said that such a step would certainly create trouble in the Central Punjab.

Sardar Patel said that he placed no reliance on statements made by arrested people, particularly ex-members of the I.N.A.

Captain Savage said that so far as one could be certain in these particular cases, those interrogated had been telling the truth. However, it was very difficult to produce concrete evidence against Tara Singh; but he could be detained under Section 3 of the Punjab Safety Act.

Mr. Liaquat Ali Khan stated that he had given directions for all the Pakistan special trains to take every possible precaution. A report had come through that a crowd had been collecting at one station and that there was danger of attack on a particular train. He had insisted that the train should go all the same but had strengthened its military escort and arranged for the Inspector General of Police to be informed. In his opinion, the Sikhs were likely to rise in any case on the announcement of the Boundary Commission's award.

Captain Savage gave his opinion that the Sikh Leaders had lost control of

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their people. However, Giani Kartar Singh was more hopeful that they would get through without major trouble.

The Viceroy, after further considering the matter, decided to recommend to the Governor of the Punjab that Master Tara Singh and the other ringleaders of this movement should be arrested at about the time of the Boundary Commission's award. He asked Sir George Abell to draft a letter accordingly to Sir Evan Jenkins.

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Sir G. Abell to Sir E. Jenkins (Punjab)

Mountbatten Papers. Official Correspondence
Files: Punjab, Situation in, Part II (b)

SECRET *4 August 1947*
NO 592/98

My dear [Jenkins],

Thank you for the personal letter[1] you sent with Savage.

I heard Savage's story at breakfast and then passed it on to H.E. He was having a Partition Council this morning and decided at the end to keep back Jinnah, Liaquat and Patel and get Savage to tell them the story.[2]

Savage told the story very well and it made a considerable impression. After some discussion it was agreed that it would be necessary to arrest Tara Singh and the more hot headed of the Sikhs. The only question was when this should be done. H.E. suggested that probably it would be best to do it at the same time as the announcement of the Boundary Commission's award. He pointed out that if it was done beforehand the trouble would probably spread and the announcement of an unfavourable award would make conditions even worse on 15 August than they will be if these men are arrested on 12th.

It was agreed that there would have to be a common policy in the matter and H.E. said he would ask you to discuss the matter with Sir Chandulal Trivedi and in due course with the Premier of East Punjab and the Premier (as soon as he is chosen) of the West Punjab.

It was recognised that you might wish for a little more time to consider the matter and possibly after your discussions to make other recommendations, but it was definitely the view of the meeting that

(*a*) the arrests should be made, and

(*b*) that they should not be made for a week or so.

Yours sincerely,

G. E. B. ABELL

[1] No. 338. [2] See No. 345.

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Cabinet Paper C.P. (47) 213

R/30/1/12: f 26

TOP SECRET

INDIAN STERLING BALANCES

MEMORANDUM BY THE CHANCELLOR OF THE EXCHEQUER

TREASURY CHAMBERS, S.W.1, *5 August 1947*

The Indian sterling balances amount to £1,160 millions.

2. As an essential part of the settlement now being negotiated, these balances will be blocked by agreement, though India, unlike Egypt, will probably remain a member of the sterling area.

3. The Indians have asked for releases of £48.5 millions from the blocked account for the remainder of 1947. On my instructions this request has been rejected, and a figure of £35 millions has been offered as the maximum which we can release. The Indians have recommended their Government to accept this.

4. Fortunately, only about £15 millions of this sum will be spent in dollars, and nearly all of it on food; the rest will be used to meet sterling expenditure on India's purchases of e.g. Australian wheat, and exports from this country.

5. No commitment for further releases after the end of 1947 has been, or will be, made in the present negotiations, nor are we committed to recognise the total, without further cancellation or adjustment.

6. £30 millions of the blocked account will be available to the Reserve Bank of India, as necessary, as a working balance. But this sum will not be a "release" to meet current expenditure and it will be the Bank's liability to keep it replenished as part of its reserves mainly to cover the note issue.

7. The rate of interest on the balances will not be allowed to increase. More than three-quarters of them earn only one-half per cent. The rest are in long-term British Government Securities.

8. I do not regard the proposed interim settlement as too generous, either in relation to the total of the balances, or in the very exceptional political circumstances of India to-day.

H. D.

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Mr Bevin to Sir G. Squire (Kabul)

L/P&S/12/1812: f 209

CONFIDENTIAL FOREIGN OFFICE, *5 August 1947*

NO. 11

CONVERSATION WITH THE AFGHAN PRIME MINISTER

Sir,

I had a conversation on 31st July with the Afghan Prime Minister, who has been received during his short stay in London as the guest of His Majesty's Government.

2. His Royal Highness appeared pleased with the hospitality shown to him here. He again raised, however, the vexed question of Afghanistan's interest in the North West Frontier Province. He reiterated the familiar arguments about the Afghan character of the inhabitants of the province, who should, he thought have been offered the choice during the recent referendum of joining Afghanistan or of forming a separate Pakistan [?Pathanistan] instead of merely being called upon to decide on what was in effect a religious issue, namely, whether they wished to be associated with Moslems or Hindus. Naturally, being Moslems, they had chosen Pakistan. He also mentioned the dissatisfaction of the Afghan Government with the reply they had received to their recent note[1] on this subject (my despatch No. 9 of 19th June[2] and my telegram No. 56 of 1st July),[3] more particularly in regard to the assertion that the North West Frontier Province was an integral part of India.

3. It was notable, however, that His Royal Highness did not press the specific Afghan claims mentioned in the preceding paragraph and put forward by them in their note of 13th June.[4] On the contrary he made it clear that the primary anxiety of the Government of Afghanistan was that their kinsmen in the province should continue to be well treated and be given every opportunity of preserving their cultural integrity after the transfer of power in India. In reply to a reference to the Anglo-Afghan Treaty of 1921 His Royal Highness indicated that, since this treaty was concluded with His Majesty's Government, the Afghan Government could no longer regard it as valid after the transfer of power by His Majesty's Government in India. They would, however, regard as equally valid, and be prepared to abide by, any treaty subsequently negotiated, *e.g.* with Pakistan.

4. I pointed out to the Prime Minister the great importance for Afghanistan,

[1] See Vol. XI, No. 272. [2] Not traced. [3] Vol. XI, No. 453.
[4] See Vol. XI, No. 272.

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as well as for India, of avoiding any disturbances on the frontier at this crucial time and any possible interference with her vital trade routes through India. Although His Majesty's Government were handing over power in India they had hitherto been successful in avoiding widespread bloodshed and they were very much concerned to see that this transfer of authority was carried out smoothly. With their close friendship with Afghanistan, and the influence they would continue to exercise in India, His Majesty's Government would be equally concerned to ensure that peace and friendship should in future prevail on the frontier, and between Afghanistan and the successor Governments in India. Our good offices would indeed always be available to Afghanistan should trouble arise and we would do all in our power to ensure that the cultural heritage and general welfare of those whom Afghanistan regarded as her kinsmen across the border was maintained. As regards the words in our note to which the Afghan Government had taken exception about the North West Frontier Province being an integral part of India I would be prepared to examine once again the expression we had used.

5. At the conclusion of our talk, which was most cordial throughout, I referred to the *contretemps* which had prevented His Royal Highness from meeting the Viceroy on his way to this country and expressed the hope that he would be able to see Lord Mountbatten on his return, since I felt sure that this meeting would be of the greatest value.

6. I am sending copies of this despatch to the Viceroy of India and the United Kingdom High Commissioner at New Delhi.

I am, &c.
ERNEST BEVIN

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Government of India, External Affairs and Commonwealth Relations Department to H.M. Minister at Kabul

Telegram, L/P&S/12/1812: f 234

IMPORTANT NEW DELHI, *5 August 1947, 7.30 pm*
Received in India Office: 5 August, 6.45 pm

No. 183. Your telegram No. 60 of July 11th.[1] Tribal Agreements.
Please refer the Afghan Government to paragraph No. 3 and paragraph No. 4 of Mr Jinnah's press statement of July 31st[2] text of which is as follows. "*Begins:* As regards the tribal areas, I am very happy to acknowledge the great support they have freely given to their fellow Moslems in their demand for an independent State. I wish to assure them on behalf of the Provisional Government

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of Pakistan that we would like to continue after August 15th all treaties, agreements and allowances until such time as representatives of tribes and of Pakistan Government have met and negotiated new arrangements. The Government of Pakistan have no desire whatsoever to interfere in any way with the traditional independence of the tribal areas. On the contrary we feel that as a Moslem State we can always count on active support and sympathy of tribes.

We have every intention and desire to have most friendly relations with the Government of Afghanistan, our immediate neighbour and other Moslem countries, where before long we hope to have our own diplomatic and commercial representatives. *Ends.*"

Repeated to Secretary of State for India (copy by post to Government of the North West Frontier Province, Peshawar)

[1] Enquiring whether, 'in order to allay Afghan anxieties', it would be possible 'to assure them that the existing tribal agreements, e.g., that of 1881 for Khyber Pass, would remain valid after 15th August until either denounced or revised'. L/P&S/12/1712: f 305.

[2] cf. No. 336. The date of the statement should be 30 July.

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Government of India, External Affairs and Commonwealth Relations Department to H.M. Minister at Kabul

Telegram, L/P&S/12/1812: f 233

IMPORTANT NEW DELHI, *5 August 1947, 8.05 pm*
Received in India Office: 5 August, 6.10 pm

No. 182. Your telegram No. 60 of July 11th.[1] Tribal agreements.

2. Legal view held here is that effect of section one (*c*) of clause 7 of Indian Independence Bill will be to terminate with effect from August 15th 1947 all treaties and engagements with Tribes except those relating to Customs, transit and communications, posts and telegraphs and other like matters. Agreements relating to Passes such as Khyber agreement of 1881 apparently fall under transit and communications and will not be affected until specifically denounced. Subject to H.M. Government comments the Government of India see no objection to your informing the Afghans informally in this sense. The views of Government of Pakistan are repeated in my immediately following telegram.[2]

[1] See No. 349, note 1.

[2] In tel. 188 of 8 August (repeated to Secretary of State for India as No. 6477) the Government of India, External Affairs and Commonwealth Relations Department, informed Sir G. Squire that: 'Government of Pakistan would be grateful if you would not repeat nor inform the Afghans even informally in sense mentioned.' L/P&S/12/1812: f 229.

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3. Delay in answering your telegram is deeply regretted.

Repeated to Secretary of State for India No. 6325 (copy by post to N.W.F.P. Peshawar)

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Mr Jinnah to Lord Ismay

R/3/1/166: f 57

10 AURANGZEB ROAD, NEW DELHI, *5 August 1947*

Dear Lord Ismay,

I have received your two letters of 4th[1] and 5th[2] August and the Draft Communiqué you sent and I propose the following amendments:

Clause 1: after the words "sovereign State" add "as per treaties between the British Government and Kalat State".

Clause 2: after "treaties" add "and agreements of leases"

Clause 3: at the end add the words "at Karachi".

Clause 5: after the words "discussion will take place between Pakistan and Kalat" add "at Karachi".

I am now sending you a fair draft in the light of these alterations.

With regard to Kalat's proposed amendment to clause 2 that "agreements of leases"[3] should be substituted for "treaties", I suggest that after "treaties" be inserted the following words: "and agreements of leases".

I am enclosing the fair copy[4] for you so that you can conveniently see what my amendments are.

Yours sincerely,

M. A. JINNAH

[1] Sending Mr Jinnah a copy of the Appendix to No. 330 for his approval or comments. R/3/1/166: f 51

[2] No. 330, note 7.

[3] The Khan of Kalat's amendment read 'agreements for leases'; see *ibid.*

[4] Not printed.

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Meeting of the Provisional Joint Defence Council, Case Nos. J.D.C. 44/7/47, 47/7/47

Mountbatten Papers. Provisional Joint Defence Council Minutes

SECRET

Those present at this Meeting on 6 August 1947 were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Sardar Baldev Singh, Field Marshal Sir C. Auchinleck, Lord Ismay, Mr H. M. Patel, Mr Mohamad Ali, Brigadier Elliott, Mr Osman Ali, Lieutenant-Colonel Erskine Crum

Case No. J. D.C.44/7/47 Terms of service for British officers and men volunteering to serve on after the 15th August, 1947.[1]

THE COMMANDER-IN-CHIEF mentioned that returns to date showed that the proportion of those volunteering to serve and those who had decided to go was roughly 60:40.

The Provisional Joint Defence Council approved the recommendation of the A.F.R.C. for the variation in terms of service for officers and men of RN, British Army and BA.F.

Case No. J. D.C.47/7/47 Statement by the Chief of Staff to His Excellency the Viceroy

"When I was in England, I had two long meetings[2] with the Minister for Defence, Mr. Alexander, and the British Chiefs of Staff; and His Excellency the Viceroy has asked me to give the Joint Defence Council a brief account of them.

2. The Chiefs of Staff were anxious that as soon as possible there should be discussions with the Indian and Pakistan Governments on what may be called long-term defence arrangements. The object of such discussions would be two-fold; first to ensure that the necessary assistance could at once be given to India and Pakistan by the United Kingdom and other members of the Commonwealth, in the event of either of the new Dominions being victims of aggression, and secondly to give to both India and Pakistan, as full and free members of the British Commonwealth, the opportunity to offer assistance to any other member or members of the Commonwealth, if they themselves should so desire.

[1] The meeting had under consideration a note, dated 5 August, by the Steering Committee on 'Recommendations of the Armed Forces Reconstitution Committee' which outlined the variation in terms of service for British officers and men volunteering to serve on after 15 August 1947. Mountbatten Papers, Provisional Joint Defence Council Papers.

[2] See Nos. 41, 49 and 143.

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3. The British Chiefs of Staff made the following points:—

(i) The sub-continent of India has a dominating geographical position from the point of view of defence. India's security affects all the countries in S.E. Asia, and all the countries which are dependent on sea communications through the Indian Ocean.

(ii) The security of both India and Pakistan has been prejudiced for the moment—firstly by the withdrawal of British forces; secondly by the fact that the Indian Army has been partitioned, and that the two new armies will not, for some time, be so strong as was the unified Army of India, and thirdly that neither India nor Pakistan have yet had time to develop Naval and Air defences adequate for their own protection.

(iii) Of recent years mass destruction weapons such as the heavy bomber and the atomic bomb have greatly increased the vulnerability of India and Pakistan, with their dense population and concentrated industries.

(iv) In modern war things move so fast that, unless plans are made in advance they cannot be brought to fruition in time. We have only to remember the scythe-like movement of the Germans through France in 1940 when their Armoured Divisions accomplished in one month what they had failed to accomplish in 4 years in the first World War. Since then the pace of war has increased out of all recognition.

(v) It is the desire of the United Kingdom, and undoubtedly of the other members of the Commonwealth, to be in a position to come to the rescue of India and Pakistan if they are the victims of foreign aggression.

(vi) The long experience of the United Kingdom in defence organisation and training, and their resources in scientific research and industrial production, will be available to the two new Dominions.

4. Throughout the discussions, the Chiefs of Staff stressed the point that the the mutual arrangements which they contemplated would not in any sense represent a commitment either to India or to Pakistan, or necessarily to H.M.G. They would not, for example, be comparable to the treaty which Great Britain had with France before the last war under which each nation bound itself to come to the other's assistance. When the last war broke out, all the Dominions were free as air to decide whether they would or would not enter the war, and it was not until their Parliaments had so decided that we in Great Britain knew where we stood. On the other hand, plans had been prepared which enabled concerted action between all the partners in the Commonwealth to be taken at once.

5. I pointed out to the Chiefs of Staff that neither India nor Pakistan were as yet in a position to discuss these questions. Their defence machinery had not yet been fully set up, and they were frantically busy on other matters. The

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Chiefs of Staff appreciated this and said that they would be prepared to send a high-ranking military delegation to India to discuss these arrangements whenever India and Pakistan were ready to do so. It will be remembered that the provisional Joint Defence Council have agreed to the Viceroy's suggestion that the proposed delegation should, in the first instance, have discussions with the Joint Defence Council.[3]

6. The Chiefs of Staff asked me to make one further point. It is little use having discussions which lead to mutual defence arrangements, unless these arrangements are kept under constant review in the light of the ever-changing world situation. Consequently, we have, with the rest of the partners of the Commonwealth, a system of liaison staffs. For example, the British have a liaison staff under their High Commissioner at Ottawa; while the Canadians have a liaison staff under their High Commissioner in London. These liaison staffs are in constant touch with the Chiefs of Staff of the countries to which they are accredited. The British Chiefs of Staff hope that when their delegation comes to India, the Governments of India and Pakistan will be ready to have liaison arrangements."

The leaders on both sides took note of Lord Ismay's statement, agreed in principle to initiating discussions, and agreed that the delegation should visit India as soon as the present pressure of business and slackened.[4]

[3] cf. the final paragraph of No. 336.

[4] In his letter of 11 August to Sir T. Shone, Lord Ismay referred to his statement to the Joint Defence Council and commented: 'I ought to add that I do not see any possibility of any connection whatsoever between the Joint Defence Council as such and the Chiefs of Staff at home.' Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3).

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Meeting of the Partition Council, Case Nos. P.C. 142/16/47, 146/16/47

Mountbatten Papers. Partition Council Minutes

SECRET

Those present at this meeting on 6 August 1947 were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prased, Lord Ismay, Mr H. M. Patel, Mr Mohamad Ali, Mr Osman Ali, Lieutenant-Colonel Erskine Crum.

Case No. P. C. 142/16/47 The juridical position regarding international personality and treaty obligations.

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HIS EXCELLENCY said that he had just received a telegram[1] from the Secretary of State pointing out that it was essential for Pakistan to apply for membership of U.N.O. before the 10th August, so that her application could be considered at the next session in September. His Excellency offered to forward the application which would, of course, have to be ratified by the Dominion of Pakistan after the 15th August. His Excellency's offer was accepted by the Pakistan members.

HIS EXCELLENCY said the H.M.G. were not anxious to interfere in what they considered to be a domestic matter between India and Pakistan, but they had felt it necessary to point out that there was a grave objection to India's national identity being extinguished by reason of the partition. To do so would be to create an awkward international precedent. The fear was that a country might borrow money much in excess of her needs, then go through a formal partition and claim that neither part of the divided country was responsible for the debts incurred prior to that partition. H.M.G. welcomed India's offer to take over the international obligations and liabilities of the country as they existed on the 15th August and expressed the view that this would not affect Pakistan's international stature etc.

MR MOHAMAD ALI said that according to the formula he had suggested[2] India would continue her membership of International Organisations like U.N.O. on behalf of the Dominion of India as from the 15th August, while Pakistan would apply for membership of such International Organisations as she desired to join. As regards obligations and rights in respect of treaties which run with the land, it was agreed that these would devolve only on the Dominion concerned. Pakistan's viewpoint was, however, that both Dominions should assume all international obligations and enjoy all rights arising out of treaties and agreements negotiated by the existing Government of India or by H.M.G. acting on behalf of the Dominions overseas. The practical advantage of this course would be that Pakistan would not have to negotiate afresh in regard to such matters.

HIS EXCELLENCY suggested that Mr. Cooke, the Constitutional Adviser, should be asked to evolve, if possible, a formula which would meet the case of both sides. He would place this formula before the Pakistan and India Cabinets for consideration when they met, to consider the Adaptation Orders.

DECISION

The Council agreed that the Constitutional Adviser should be requested to evolve, if possible, a formula which would meet the case of both sides. Such a formula, if evolved, would be placed before the Pakistan and India Cabinets for their approval.

Case No. P.C. 146/16/47 Titles[3]

HIS EXCELLENCY recalled that both Mr Jinnah, on behalf of the future

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Government of Pakistan, and Pandit Nehru and Sardar Patel, on behalf of the future Government of India, had agreed to the suggestion that, in States which acceded to one or other Dominion, the Princes, and those whom they recommended, might continue to receive decorations from His Majesty. HIS EXCELLENCY proposed that the Order of the Indian Empire should no longer be used for this purpose, but that the Order of the Star of India (to which, both in name and design, there were no political objections), should continue to be awarded. His Excellency also proposed that Princes should continue to be allowed to hold honorary ranks and to become Honarary Aides de Camp to the King. He explained that these proposals would not involve any undue increase in the number to whom honours would be given. It would normally be on the death of a present holder or on the expiry of his time as an Honorary A.D.C. that a new award would be made. Both Mr Jinnah, on behalf of the future Government of Pakistan, and Sardar Patel, on behalf of the future Government of India, agreed with His Excellency's suggestions set out above, which he undertook to convey to His Majesty.

[1] No. 328. [2] Not traced.
[3] cf. No. 228, para. 23.

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Sardar Patel to Vice-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Viceroy's Conference Papers[1]

NEW DELHI, *6 August 1947*

My dear Lord Mountbatten,
I write this because I feel that at to-day's meeting of the Partition Council[2] it was not fully appreciated what the consequences of the failure to agree to issue the Properties, Rights and Liabilities Order would be.

In so far as lands and buildings and other property are concerned, it would be open to India to issue an Order on the 15th making it clear that all property within its territories would be their absolute property. Pakistan would presumably do the same in respect of property situated in its territories. This would of course have the effect of abrogating all the various agreements that have been reached for the division of assets between the two Dominions, and since the agreements cover almost the entire field, such abrogation would obviously be most unfortunate.

In regard, however, to the vesting of the responsibility for the Public Debt,

[1] The text of this letter was circulated on 7 August as V.C.P. 157 for consideration at the next Viceroy's Staff Meeting.
[2] See No. 344, note 1.

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the consequences would not merely be unfortunate but extremely grave and would put in jeopardy the possibility of a peaceful implementation of Partition. India would again be compelled to issue an Order on the 15th assuming full responsibility for payment of interest and principal on the outstanding Public Debt. It would do so, however, without having any assurance from Pakistan that it would assume responsibility for its share of the Public Debt. Pakistan, on the other hand, may decide to say that it is prepared to accept joint responsibility for the present Government of India's Public Debt, or it may decide to repudiate liability for the Public Debt altogether, or it may decide just to keep quiet. If it takes the first step, nothing very much would happen except perhaps a little confusion. In the case, however, of a forthright repudiation, India would be constrained immediately to take counter-action. That would take the shape of refusal to refer any matter to Arbitration Tribunal or to part with any assets (including any share in the cash balances) until Pakistan agreed to accept a proportionate share of the liability. If Pakistan chooses to keep silent, again India would be compelled to ask for a definite statement from Pakistan regarding its attitude towards the Public Debt and if a satisfactory reply was not forthcoming, the position would be much the same as if there had been a repudiation.

These developments would be unfortunate, the more so as I feel convinced that Mr. Jinnah has not fully appreciated (*a*) the consequences of not reaching an agreement, and (*b*) the fact that Pakistan's interests were fully safeguarded under the proposed Order. Were I not convinced of the fact that no harm whatever would come to Pakistan under these proposals, I would not have been so firm in my attitude towards this Order. I may add that I have just consulted again the Governor of the Reserve Bank on the question of assumption of joint financial liability and his reaction is decidedly against such a course on purely financial grounds.

Until the 15th August, it is, I suggest, your duty to take whatever steps are necessary in the interests of the country as a whole, irrespective of what one party or the other may think. If either party is dissatisfied with the Order you issue, it will of course be open to either party to override it in so far as its own territory is concerned. May I suggest that this is a matter of sufficient importance for you to come to an independent decision with whatever advice you can obtain from your own advisers and to issue an Order immediately. This is an avoidable conflict and in my view the issue of the Order in the terms proposed would safeguard the interests of both the Dominions.

Yours sincerely,

VALLABHBHAI PATEL

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Note by Mr Cooke

Mountbatten Papers. Viceroy's Conference Papers[1]

6 August 1947

The Partition Council having failed to come to an agreement this morning[2] in regard to the division of certain material assets between the two Dominions, and in regard to responsibility for the public debt, it becomes urgently necessary for H.E. to consider what action he should take.

2. In this connection it is important to remember at the outset that until the 15th August H.E. is not in the position of the constitutional Governor-General of a Dominion. His powers to make orders under section 9 of the Indian Independence Act include power to make such an order notwithstanding that he has been unable to carry the representatives of one or the other Dominion with him in the Council. Indeed, circumstances may arise in which H.E. may consider it his positive duty to make an order under section 9, even though the agreement of one party or the other has not been obtained.

3. Three courses, therefore, are open:—

(1) H.E. may decide to make no order on these subjects before the 15th August.

(2) H.E. may decide to make an order before the 15th August in the terms contended for by the representatives of the Indian Dominion. That is, the order would provide for the vesting of material assets according to location, and for the allocation of responsibility for the whole of the public debt to the Dominion of India.

(3) H.E. may decide to make an order before the 15th August in the terms contended for by the representatives of Pakistan. That is, the order would provide for the joint vesting in the two Dominions of material assets, and for making the present public debt of India a joint responsibility of the two Dominions.

4. *As to* (1)—

So far as the vesting of material assets is concerned, the proposed order was to relate only to the residue of the material assets after effect had been given to the specific decisions of the Partition Council in regard to assets of particular classes. It might therefore seem that the consequences of failing to make an order before August the 15th in regard to this residue of assets would not be

[1] The text of this note was circulated on 7 August as V.C.P. 158 for consideration at the next Viceroy's Staff Meeting.

[2] See No. 344, note 1.

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serious. But if no order is made before August 15th, each Dominion will almost certainly be compelled to pass a law of its own dealing with the property in so much of the assets concerned as is within the control of that Dominion. The danger is that once the Dominions begin to make their own laws in regard to the vesting of assets, they may be tempted to upset the decisions of the Partition Council in regard to the vesting of assets of particular classes.

In regard to the vesting of responsibility for the public debt, it is obvious to any lawyer, even though he is not a financial expert, that if no order is made before the 15th August the consequences are certain to be serious and may be disastrous. If the public at large does not know on and indeed before the 15th August where responsibility for the public debt of India is to lie, there is the gravest danger that the value of Indian securities will fall catastrophically. Therefore the Ministers representing the interests of the future Dominion of India would probably feel compelled, for their own protection, to announce on or before the 15th August that India intends to take over full liability for the existing public debt. If Pakistan were unwilling to accept this position, it would have two courses open to it:—

(*a*) The first possible course would be to issue a counter-statement to the effect that Pakistan is proposing to accept joint liability with the Dominion of India for the present public debt. It is doubtful whether any such statement on the part of the Pakistan Government would have any effect except to make that Government look somewhat ridiculous. In practice, the creditor would almost certainly look to the Dominion of India for payment, and the position arrived at would in effect be that which was proposed to be embodied in the draft order.

(*b*) The second possible course would be for the Pakistan Government to say that the announcement made by the Indian Dominion was made without the agreement of Pakistan; that Pakistan had always been willing to bear its fair share of the public debt provided that the liability was joint; but that in view of the unilateral action of the Dominion of India, Pakistan must regard itself as discharged from all liability in regard to the Indian public debt, and in particular, must regard itself as free from any liability to make any financial contribution to the Dominion of India in respect of the debt. This would clearly be the signal for a general repudiation by each Dominion of all the agreements which have been so laboriously secured during the past two months under the auspices of the Partition Council.

5. *As to* (*2*)

The course suggested by the representatives of India provides what in my view is the only satisfactory interim solution of the problem. The advantages of this course are set out in my note which was before the Partition Council

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at today's meeting. (A copy of the note is appended hereto).[3] If, without the consent of Pakistan, H.E. makes an order in these terms before the 15th August, it is necessary to consider what the reactions of Pakistan would be. For the reason I have given in paragraph 2, I do not think that Pakistan could challenge the right of H.E. to make orders before the 15th August in terms not approved by both sides of the Partition Council. But without challenging the right of H.E. to make the order, Pakistan might seek to show their displeasure in other ways. For instance, they might repudiate some if not all of the agreements which have been reached in the Partition Council. While I cannot advise that there would be no risk of Pakistan taking this course, I think it is unlikely, because the position appears to be that Pakistan has far more to lose than to gain by the repudiation of these agreements.

6. *As to (3)*

The relative advantages and disadvantages of the course suggested by the representatives of Pakistan are again set out in the attached note.

So far as vesting of material assets is concerned, the disadvantages of the course proposed by Pakistan are serious, but not, in my opinion, fatal. But, if H.E. should seriously consider accepting this course, there is one further consideration to be borne in mind. After the 15th August, each Dominion will be free to make what laws it pleases in regard to property within its physical control. If the alternative of joint vesting is unacceptable to the Dominion of India, it will be possible for that Dominion to pass a law on the 15th August providing that all property which under H.E.'s order is to be jointly vested in the two Dominions shall, if it happens to be in India, be vested solely in India. Thus, if H.E. were to make an order in the terms suggested by Pakistan, it will be open to the Dominion of India to make this order ineffective from the outset.

So far as the vesting of responsibility for the public debt is concerned, the course suggested by Pakistan appears to me to be almost completely impracticable.

7. In these circumstances, I think that the least unsatisfactory of the three courses open to H.E. is the second. I suggest that he decides upon this course, but before actually making the order, he writes to Mr. Jinnah and Sardar Patel informing them of the decision which he has taken and the considerations which have led him to that view.

S. B. R. COOKE

[3] Not traced.

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The Maharaja of Indore to Pandit Nehru

R/3/1/139: ff 163–4

PERSONAL CAMP DELHI, *6 August 1947*

My dear Panditji,

Many thanks for your letter[1] which I got in Indore just before proceeding to England on the 2nd of July. I had no opportunity of replying to it earlier as I only returned to this country and my State on July the 25th. Now that I am back I propose to reply briefly, as I have been very rushed with work and have also been laid up with fever.

You asked me what my attitude was regarding entering the Constituent Assembly. Lord Mountbatten's plan of June the 3rd[2] and subsequent developments which have now split India into two, a Dominion of India and a Dominion of Pakistan, plus the revised draft Instrument of Accession for such States as may wish to enter the Dominion of India, need very careful study and the fullest consideration that they deserve.

I wish to remind you that the Indian States, as a whole, were the only body that stuck strictly to the Cabinet Mission's Plan of May the 16th, 1946,[3] which was a plan for a united India. In such a plan the States were willing, and are even now willing, to adhere to a common policy for Defence, Foreign relations and Communications. I also wish to remind you that we have not as yet seen Pakistan's terms for an Instrument of Accession by which States, that so desire, could enter into relations with Pakistan. I do not want you to misunderstand me that Indore would join with the Dominion of Pakistan when set up but I do think it fair to the States to see Pakistan's attitude first. Equally important do I consider it to be, that before the States make up their minds finally to accede to a Dominion or Dominions, we should be aware of the joint policy, for matters such as Defence and Foreign relations between the two Dominions of India and Pakistan. I am aware that there exists at present a Council for common defence purposes between India and Pakistan. Will this Council continue to function amicably with a common policy after the setting up of the two new Dominions? I venture to suggest that such vital matters of importance are made clear to the States before they are asked to accede to a Dominion. Therefore the relevancy of whether we join the Constituent Assembly now is clearly minimised. I am sure that in all fairness to the States, and here I can assure you, that they in no way are less patriotic or show lack of national honour. My personal suggestion, and I write this to you as a friend, is that the States enter now, as soon as possible into Standstill agreements, which will prevent the chaos that is so widely feared, until such time as the States can see the con-

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stitutions of the two new Dominions emerge and can study them with the consideration that they deserve.

I am accused of being an obstructionist. I can assure you that nothing is further from my mind or could be further from the truth. I have a responsibility towards my people and my State which I cannot lightly discharge and, therefore, I cannot be rushed into accession which may later turn into a bombshell.

A written assurance from you and Sardar Vallabhbhai Patel, who is in charge of the States Department, would allay our fears and clear the way for immediate co-operation on the lines I have suggested above.

I shall eagerly await your reactions to my letter which, I hope, will be forthcoming soon.[4] May I make a further personal suggestion that Sardar Patel writes a letter, on the lines suggested above, to the Nawab Ruler of Bhopal. As you are aware, Indore and Bhopal are in close co-operation and will follow a common policy. I am proud, to be able to show, a practical demonstration of Hindu-Muslim co-operation, which has so far, alluded [? eluded] British India. It is my fervent hope that the Dominions of India and Pakistan may eventually unite, and if and when they do so, you will find the States no less patriotic and willing to be partners of such unity. I close with my best wishes and warmest regards.

Sincerely Yours,
YESHWANT RAO HOLKAR

[1] Not traced. [2] Vol. XI, No. 45. [3] Vol. VII, No. 303.
[4] cf. No. 385, para. 13.

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Rear-Admiral Viscount Mountbatten of Burma to Sir F. Bourne (Central Provinces)

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of— Part (3)

IMPORTANT NEW DELHI, *6 August 1947*
PERSONAL

No. 3197-S. Jinnah asks me to enquire whether you would serve temporarily as Governor of E. Bengal.

2. He first asked Lord Killearn to be permanent Governor but he had to refuse.[1] He has now invited Sir A. Rowlands whose reply is delayed owing to his absence in Germany.

[1] See Vol. XI, No. 478, note 3.

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3. It is probable that HMG will be unable to spare Rowlands[2] in which case time will be very short to find new permanent Governor.

4. If Rowlands cannot join in time would you consent to serve for a month or two in this emergency? I do hope you will agree.

5. Secondly would you be prepared to be considered for permanent appointment if necessary?

6. E. Bengal contains more than half the population of Pakistan and is so remote from Karachi that the Governor will have a very special position. It is vital that there should be a really good British administrator as Governor to start off the new province. Pay will be Rs 72,000 p.a. with usual allowances.

7. Please telegraph reply urgently.[3]

[2] See Nos. 140, note 2 and 291, note 3.

[3] No reply to this telegram has been traced. However, in tel. 3230–S of 7 August Lord Mountbatten indicated that Sir F. Bourne would serve as Governor of East Bengal 'for a month or two' and that neither Bourne nor Mr Jinnah were committed to any understanding about the appointment becoming permanent. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3). In the event, Bourne served from 15 August 1947 until 1950.

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Mr Anderson to Mr Harris

L/F/7/2870: f 133

6 August 1947

Private Secretary,

I should be glad if you would treat my note of 4th August[1] (in connection with yesterday's Cabinet meeting) as saying most of what I have to say on this subject. Briefly my view is that, on the one hand, it is impossible to press the Chancellor to do more for India, since the total Indian request must not be taken too literally, and we have already gone even further to meet them than the Chancellor's note[2] indicates, owing to the special treatment which is intended for certain items, the effect of which will be an additional release of some £6–7 million, making £41–42 million in all. On the other hand one's main fear at the moment is that Ministers may feel that the Chancellor has gone too far, having regard to the economic emergency in which this country finds itself. On this, paragraph 8 of the Chancellor's note seems to indicate that he himself will be prepared to defend his proposals, but naturally the Secretary of State will wish to back him up on political grounds.

K.A.

[1] No. 333. [2] No. 347.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Mountbatten Papers. Letters to and from Provincial Governors

6 August 1947

My dear Jenkins,
Thank you for your fortnightly letter dated the 30th July.[1]

2. I am afraid the great strain on you and your officers continues, and the new Governments will certainly have a very difficult task in maintaining security. Your letter has to some extent been over-taken by the new information which was provided when Savage came down here from Lahore. I approved Abell's letter[2] to you, in which he informed you of the result of the meeting[3] which Savage attended.

3. A telegram[4] has been sent to you informing you what is suggested by the Central Partition Council for the partition set-up in the Punjab and Bengal after the 15th August. I hope the local leaders will agree to this. Both parties have suggested that Sir George Spence should serve as Chairman of the Partition Council after the 15th August. Though this was a great compliment to him, he is now a sick man, and I could not press him to stay.

4. I am sorry your partition work is not going well, but I suppose both Dominion Governments will have to learn by their mistakes, and come to realise that it will not pay to mix up administration too much with politics.

5. I have not forgotten your request[5] that you should be given advance warning of the nature of the Boundary Commission's award, and I will try to secure this.

6. I see that Mamdot has been elected leader of the Muslim League party for the West Punjab, which I suppose means that he will be Premier.

Yours very sincerely,
MOUNTBATTEN OF BURMA

[1] No. 292. [2] No. 346. [3] No. 345.
[4] Not traced. For the decision of the Central Partition Council on this matter, see Mountbatten Papers, Partition Council Minutes, 5 August 1947, Case No. P.C. 119/15/47.
[5] See No. 190; see also Nos 200 and 209.

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The Khan of Kalat to Lord Ismay

R/3/1/166: f 60

6 August 1947

I thank you for your letter No. 1446/57 of yesterday's date.[1]

2. I have been somewhat surprised to see Mr. Jinnah's comments on the draft communiqué. The addition of the words "as per treaties between the British Government and Kalat State" to my mind is unnecessary and factually wrong. It will be seen that Kalat State was an Independent Sovereign State before it entered into treaty relationship with the British Government and this fact is fully recongised in the Treaty of 1876 itself. As far as I can say (and it is on that basis that the discussions[2] took place between the Pakistan representatives and ourselves on two days before His Excellency) there are only two outstanding questions between Pakistan and Kalat State. These are, firstly, the future of the Leased Areas and, secondly, discussions that will be necessary between the two States with a view to reaching decisions on Defence, External Affairs and Communications. The first item is governed not by any treaty but by the various *agreements for leases*[3] that were executed by the Khan in favour of the British Government on *certain conditions*. The second item will have to be the *subject matter of a new treaty* that has to be concluded between Pakistan and Kalat State.

3. Thus my existing Treaty with the British Government has little to do with Pakistan, and the future relations of Kalat State with Pakistan will solely be governed by a separate Treaty.

4. I therefore earnestly request, and strongly hope that Mr. Jinnah will agree, that there should be no mention of treaties in the communiqué at all, and that the words added by Mr. Jinnah in clause 1 as mentioned above, as well as the word "Treaties" in clause 2, should be deleted altogether.

[1] Communicating the amendments suggested by Mr Jinnah in No. 351. R/3/1/166: f 59.
[2] See Nos. 303 and 330.
[3] Emphasis throughout in original.

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Sir G. Abell to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Security Arrangements for Partition

6 August 1947

[H.E.]
I had half an hour with Mr. Jinnah this evening about the Punjab.

2. He says that he thinks it would be unwise to wait to see the reactions of the Sikhs after the announcement of the award. He is personally in favour of arresting the more extreme Sikhs at once.[1] He only agreed to simultaneous action on the announcement of the award in order to meet the point of view of Sardar Patel.

3. He does not think it would be any use having a further meeting with Y. E. and Sardar Patel nor has he really got time to do so before he leaves.

4. If Y.E. cannot agree to what he suggests he must leave it to your own judgment.

5. He said that he thought Sardar Patel would welcome trouble from the Sikhs in the Central Punjab and only accepted the arrangement at the meeting because, in the light of the facts as reported, he had no alternative.

6. I think the matter is important enough to get the Governor of the Punjab down here for discussion.

G. E. B. ABELL

[1] See Nos. 345 and 346.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: International Status of India

IMMEDIATE NEW DELHI, *6 August 1947, 8.50 pm*[1]
SECRET *Received: 6 August 7.50 pm*

No. 3205–S. 1. Your No. 10078 of 3rd August.[2] Mr Jinnah and Mr Liaquat Ali Khan have recognised the necessity for Pakistan to apply for membership of

[1] Date and time of despatch taken from recipient's copy on L/E/9/1514.
[2] No. 328.

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U.N.O. As application has to be in by 10th August, by which time the new Pakistan Government will not be set up, they have asked that H.M. Government should put in this application on their behalf. Pakistan will confirm it immediately after the 15th August.

2. I have sent a copy of this telegram to Mr. Liaquat Ali Khan.

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Rear-Admiral Viscount Mountbatten of Burma to Lieutenant-General Sir R. Lockhart (North-West Frontier Province)

Telegram, R/3/1/165:f 55

IMMEDIATE NEW DELHI, *6 August 1947*

No. 3206–S. Your telegram CA 158 of 3rd August.[1]

2. I have been formally advised by the Pakistan Provisional Cabinet

(i) to direct you to ask the present Ministry to resign, and if they refuse, to dismiss them, and call on the leader of the Muslim League to form a new Ministry; or

(ii) if (i) is unconstitutional, to place the province in Section 93, and direct you to appoint Muslim League leaders as Advisers with a view to a League Ministry being installed by the 14th August.

3. I promised to accept the advice tendered me provided I was satisfied that I could constitutionally do so. The Congress leaders maintain that either course of action would be constitutionally improper.

4. I am consulting[2] the Secretary of State in regard to the constitutional position, and have sent him a copy of your telegram. I have also asked that the correspondence should be shown to Cunningham, and his views obtained. I shall let you know further as soon as I receive a reply.

[1] No. 327. [2] See No. 342.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part II

IMPORTANT *6 August 1947, 11.00 pm*
CONFIDENTIAL *Received: 7 August, 1.00 am*

No. 235–C. Please refer to paragraph entitled "internal security" at page 1 of minutes of your informal meeting with Bengal Separation Council[1] and to paragraph No. 4 of your note[2] to Central Partition Council. At a discussion today with Dr. P. C. Ghosh, Suhrawardy and Kwaja Nazimuddin (newly elected Muslim League leader for East Bengal) about internal security in Bengal at time of announcement of Boundary Commission award Suhrawardy disputed having agreed to or acquiesced in having no repeat no joint command organisation of troops. No one here suggests at this stage such an organisation for any part of Bengal outside Calcutta but Suhrawardy and Kwaja Nazimuddin pressed strongly this afternoon for such an organisation to control the troops in Calcutta area. Dr. Ghosh has strongly disagreed. You already know my view which is unchanged and that of the Military.[3] This is for your information in view of attitude now taken up by the leaders on the Muslim side.

[1] No. 287.
[2] This note summarised Lord Mountbatten's discussions during his visit to Bengal (see Nos. 287, 289, 290 and 291). Para. 4 read: '*Internal Security*. I am glad to be able to report that the Governor, the military commanders and the Chief Ministers all considered that the setting-up in Bengal of a joint command organisation similar to that in the Punjab is unnecessary. The general opinion is that sufficient forces are available to deal with the troubles that are likely to occur. A full plan has been prepared to cater for all likely contingencies.' Mountbatten Papers, V.C.P. 143, 31 July 1947.
[3] See No. 289.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: f 56

IMMEDIATE *6 August 1947, 11.40 pm*
SECRET *Received: 7 August, 1.00 am*

No. CA–162. Reference my telegram CA–158 dated 3rd August.[1]
Khan Sahib came to see me today. He attended the meeting of Party Leaders at Abdul Ghaffar Khan's house on the fifth. Although he expressed satisfaction

[1] No. 327.

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with meeting Khan Sahib said there was no advance on information he gave me on 2nd.[2] Abdul Ghaffar and Qazi had seen Liaquat Ali in Delhi and latter had been conciliatory. In fact from his attitude and Jinnah's appeal to let bygones be bygones in statement on 30th July[3] they had hoped Jinnah might accept Ministry's cooperation. However, from other sources of information Khan Sahib and party learned that Ministry might be dismissed before fifteenth. For that reason his party decided to keep away from celebrations on 15th August. They did not intend violence.

2. Later in discussing arrangements for 15th August Khan Sahib said he thought Ministers should attend official ceremony such as Flag hoisting.

3. Incidentally it is very difficult to settle celebrations on 15th August not knowing who is to be in power.

4. Khan Sahib reiterated statement that his party is prepared to accept Pakistan and cooperate provided that

(*a*) province is autonomous all matters except External Affairs (I much doubt whether Premier includes tribes under this), Defence and Communications.

(*b*) no prohibition is placed on party programmes provided that they are advocated and executed in constitutional manner.

5. It might help towards solution if Liaquat Ali and/or Ismay or Abell could fly here and discuss with me and Khan Sahib.[4]

[2] See *ibid.*

[3] In his statement on 30 July Mr Jinnah appealed 'to all the different elements in the Frontier Province and in the tribal areas to forget past differences and join hands with the Government of Pakistan in setting up a truly democratic Islamic State.' *The Times of India*, 31 July 1947.

[4] In tel. 3264-S of 7 August Lord Mountbatten notified Sir R. Lockhart that he was repeating No. 374 to him which recommended a course of action which he understood would not cause much trouble with either side, and asked him to send any comments he might have and if he agreed to 'work on Khan Sahib to resign on 11th/12th August'. R/3/1/165: f 59.

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 172–3

CAMP: TRAVANCORE HOUSE, NEW DELHI, *7 August 1947*

My dear Lord Mountbatten,

I am writing to you this more formal letter to express to you my very deep thanks and gratitude to Your Excellency for the great personal trouble you have all along taken in my affairs, and for the patience and great courtesy you have so very kindly shown throughout the protracted discussions and

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negotiations, I have personally had to conduct with you in regard to the future of my State.

I fully appreciate the present situation which Your Excellency explained to me yesterday[1] namely that it is difficult for Sardar Patel to make any special alterations in the Instrument of Accession for Bhopal. That may have been perhaps possible, as you added, if I had been present during the formal discussions you had with other States a short while ago on these matters. Your Excellency knows the reason why I was unable to accept your invitation to those conferences. I also fully appreciate what Your Excellency said that Sardar Patel is now indifferent whether Bhopal accedes or not though, as you added, he would like Bhopal to join on the terms already approved by him in regard to other States.

It is necessary for me to go to Bhopal for a day or two for consultations, and I am leaving this morning for my State and hope to return here, if necessary, in two or three days' time. But I have asked Sir Zafarullah Khan, who is remaining behind, to meet V. P. Menon and obtain a confirmation from him of the clarifications of the terms of the Instrument of Accession and its implications which Your Excellency so kindly made yesterday. Sir Zafarullah proposes to discuss with him this matter some time today.

I am anxious to await the decision of Kashmir and Hyderabad before taking my final decision in regard to my State. I hope there would be no objection to my doing so.

With my renewed grateful thanks to you and my very best wishes.

Yours very sincerely,

HAMIDULLAH

[1] No record of an interview has been traced but see No. 385, paras. 7–8.

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The Maharaja of Patiala to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: ff 251–2

RANBIR VILLA PALACE, CHAIL, *7 August 1947*

My dear Lord Mountbatten,

I have before this had the pleasure of discussing[1] with you the boundary line of division in the Punjab when I took the opportunity of expressing what to my mind appeared to be the most reasonable solution of this difficult problem. The Commission has held its sittings in the Punjab and the decision of the Chairman will probably be put up to Your Excellency very shortly. Before this happens, I am anxious to apprise you once again of my views, more

[1] See Vol. X, No. 354, paras. 22–5.

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especially because I understand that both sides have put up claims before the Commission which appear to me to be irrational.

The claim for a sort of wedge into the Lyallpur District consisting of the area beginning from Shahdra up to Toba Teksingh cannot be justified because any boundary line with such wedges protruding beyond it is sure to prove most unsatisfactory. I think, therefore, that it would meet the just claim of the Sikhs if Okara, Depalpur and part of Pakpattan and Montgomery Tehsils are allowed to remain in the Eastern Punjab, and the rest of the area, which is contiguous to Pakistan, attached to it.

I should like to mention here the special claim of Okara tract in which I am interested particularly, because most of this area is inhabited by Sikh soldiers who fought in the last and the previous World War and in whose recruitment the Patiala State took great interest.

There is one area which has the greatest importance for the Sikh community and which they would value even more than anything else. I am referring to Nankana Sahib, the birth place of Guru Nanak, the Founder of the Sikh Faith. The Sikh sentiment about this place is so strong that it would be most dangerous to minimise it, as under no circumstances can they be persuaded to allow this to go into foreign territory. I would therefore most strongly urge that this area should remain within the Eastern Punjab, even though this area juts straight across.

There are undoubtedly pockets in both Western and Eastern Punjab with predominantly non-Muslim and Muslim population, but it is impossible to connect them by means of corridors to either of them. Such an arrangement would be administratively wrong and even otherwise most undesirable. The areas should in both cases be determined by blocks so as to form a natural boundary as far as it is possible. But I feel that in due course of time transfer of population from predominantly non-Muslim inhabited areas in Pakistan and Muslim inhabited areas in Eastern Punjab would have to be undertaken to produce a satisfactory result. I have been advocating these views ever since this question has arisen, and I am strongly of opinion that to undergo this inconvenience in the beginning for a short while would be much better than to allow the whole thing to continue to simmer indefinitely and be a cause of trouble for ever.

As I have said before, I do not consider the claims put forward by both the parties before the Commission as justifiable, and I would not mind even if you told the Sikhs my opinion in this matter, if you are so inclined. But I would strongly urge that the boundary line should be so drawn as to satisfy the reasonable claims of the non-Muslims, and this to my mind can be done in the manner I have suggested above.

Yours sincerely,
YADAVINDRA SINGH

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Cabinet C.M. (47) 70th Conclusions, Minute 7

R/30/1/12: ff 27–8

SECRET

Those present during discussion of Item 7 at this Meeting held at 10 Downing Street, S.W.1., on 7 August 1947 at 10 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Mr Alexander, Viscount Jowitt, Mr J. Chuter Ede, Viscount Addison, Mr A. Creech Jones, the Earl of Listowel, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan, Mr Williams, Mr G. Tomlinson.

Also present: Mr John Strachey.

Indian Sterling Balances

(Previous Reference: C.M. (47) 58th Conclusions, Minute)[1]

7. The Cabinet considered a memorandum by the Chancellor of the Exchequer (C.P. (47) 213)[2] outlining the terms on which it was proposed to make an interim settlement of the question of the Indian sterling balances.

THE CHANCELLOR OF THE EXCHEQUER explained that, as a result of the recent negotiations, the Indian Delegation had advised their Government to accept an interim settlement covering the period up to the end of 1947, under which all but £35 millions of the outstanding Indian sterling balances, amounting to £1,160 millions, would be blocked. Only about £15 millions of the £35 millions released would be spent in dollars, the rest being used to meet sterling expenditure on Indian imports from Australia and the United Kingdom. No commitment for further releases after the end of 1947 had been or would be made in the present negotiations, nor were His Majesty's Government committed to recognise the total of £1,160 millions. Moreover, the rate of interest on the balances would not be allowed to increase. In the exceptional political circumstances of India at the present time, he did not regard the proposed settlement as too generous, and he hoped the Cabinet would authorise him to announce it within the next few days.

THE SECRETARY OF STATE FOR INDIA supported the proposals made in C.P. (47) 213. India badly needed food imports and, if His Majesty's Government did not agree to the use of a reasonable amount of the accumulated sterling balances for the purchase of food, the prospects of retaining the Indian Dominions within the Commonwealth would be jeopardised.

The Cabinet—

Approved the interim settlement of the question of the Indian sterling balances proposed in C.P. (47) 213 and took note that the Chancellor of

[1] P.R.O. Cabinet Conclusions. [2] No. 347.

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the Exchequer would announce the terms of the settlement at an early date.[3]

[3] An Agreement, which applied to India and Pakistan jointly, was signed on 14 August. It remained valid until 31 December 1947. It was specifically agreed by an exchange of letters that both Governments were uncommitted as to the subsequent period. Under the Agreement, the balances of the Reserve Bank of India (some £1,160 million as of 15 July) were transferred to a new account, known as No. II Account, at the Bank of England. With certain agreed exceptions, the balances in this account were blocked for the period of the Agreement and were not available for current transactions. A second account, known as No. I Account, was opened to which was transferred from No. II Account a sum of £35 million plus a working balance of £30 million. The £35 million represented the agreed amount of sterling releases for the period of the Agreement. Material on Sterling Balances may be found on L/F/7/2867-2875. The minutes, from the British side, of meetings with the Indian Delegation are on L/F/7/2871. The White Paper, Cmd. 7195 dated 14 August 1947, is on L/F/7/2870. A 'Note on the Indian Sterling Balances', which reviews the subject from the origins, size and legal ownership of the Sterling Balances through to the Agreement of 14 August, is on L/F/7/2867.

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Minutes of Viceroy's Sixty Eighth Staff Meeting, Items 1, 4, 6 and 8

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 7 August 1947 at 4.00 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Rao Bahadur V. P. Menon, Colonel Currie, Mr Christie, Mr I. D. Scott, Mr Cooke, Mr A. Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 1

ASTROLOGY

THE VICEROY said that he had just seem Mr. Mangaldas Pakwasa, the Governor-Designate of the Central Provinces, and suggested that he should go down on 13th August to start taking over from Sir Frederick Bourne, (who incidentally, was going to be temporary Governor of East Bengal)[1] rather than on 14th. Mr Mangaldas Pakwasa had said that this was out of the question on astrological grounds. THE VICEROY pointed out that there was a complete lack on his staff of high-level advisers on astrology. This would be remedied forthwith.

HIS EXCELLENCY THE VICEROY:—

appointed Press Attaché to the additional and honorary post of Astrologer to the Governor-General.

Item 4

THE INDIAN INDEPENDENCE (PROPERTIES, RIGHTS AND LIABILITIES) ORDER

The Meeting considered a letter[2] from Sardar Patel, drawing attention to the

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consequences of the failure to reach agreement at the Partition Council the previous day on the Indian Independence (Properties, Rights and Liabilities) Order; and a note[3] prepared by Mr Cooke setting out the courses which were now open.

MR. COOKE explained that this Order would be issued under Clause 9 of the Indian Independence Act. It would not be an Order-in-Council. A possible compromise might be to accept India's view (i.e. vesting of material assets according to location) in one case and Pakistan's view (i.e. to make the present Public Debt a joint responsibility of the two new Dominions) in the other.

MR SCOTT suggested another compromise—namely that material assets should be vested according to location; and that the Public Debt should be legally vested in India, but managed by her on behalf of both Dominions. MR. COOKE gave his opinion that this was not far divorced from what India desired in both cases.

SIR GEORGE ABELL said that Mr. Mohd. Ali had suggested that the whole issue should be referred to the Arbitral Tribunal. THE VICEROY said that he considered that there were grave objections to this course as it was highly desirable that a decision one way or the other should be taken before 15th August.

MR. COOKE pointed out that Pakistan's main objection to the allocation of responsibility for the whole of the Public Debt to the Dominion of India was the fear that the latter would take into account, during the settlement of assets, the 200 crores which were Pakistan's share of this debt.

THE VICEROY asked whether legislation to set this fear at rest could be covered in the Order itself. This was confirmed as possible by MR. COOKE and RAO BAHADUR MENON.

THE VICEROY said that, whatever decision was finally reached, he intended to obtain the Secretary of State's covering approval. This was necessitated by the fact that it might not be fully acceptable to Pakistan and might compromise his position as future Governor-General of India.

HIS EXCELLENCY THE VICEROY:—

(i) directed Reforms Commissioner, in conjunction with Mr. H. M. Patel, Mr. Mohd. Ali, Mr Sundaram and Mr. Cooke, further to consider the possibility of a compromise solution such as he had suggested above;

(ii) directed Reforms Commissioner, after having decided on a recommendation on this question, to draft a reply to Sardar Patel's letter contained in V.C.P. 157;

(iii) directed P.S.V., after the consultation in (i) above had taken place, to

[1] See No. 357 and its note 3. [2] See No. 354. 3. See No. 355.

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prepare a draft telegram to the Secretary of State, containing the suggested recommendation, and asking for approval.

Item 6

BHOPAL

THE VICEROY said that, during the recent conversations,[4] which he had had with the Nawab of Bhopal, he had emphasised above all that the Nawab should not abdicate, anyhow for a period of six months.

LORD ISMAY said that he had spoken to Sir Zafrulla Khan, the Dewan of Bhopal, who had given his opinion that the State would accede before 15th August. The Nawab, however, wanted certain reservations, including the recruitment of Pathans, to be included in any arrangements which might be made.

In discussion of this, it was pointed out:—

(a) that the two new Dominions had agreed not to recruit persons of their own minority communities resident in the other Dominion;

(b) that this had originally been put up by Mr. Jinnah;

(c) it was most desirable that this gesture should, if possible, be made to the Nawab of Bhopal;

(d) that States Forces did not come under the Defence Department, and that there would be no objection if the Pathans were privately recruited;

(e) that His Excellency could not commit himself in writing on this point to the Nawab of Bhopal, but a letter might be sent by Lord Ismay to which Bhopal could refer in any future dealings with the States Department.

HIS EXCELLENCY:—

directed C.V.S. and Reforms Commissioner to despatch a reply to the Nawab of Bhopal's request to be allowed to continue to recruit Pathans, on the lines indicated above.[5]

Item 8

HYDERABAD

THE VICEROY explained that the main reason why the Nizam of Hyderabad had not yet decided to accede to the Dominion of India was because, although the Muslims in his State represented only 15% of the population, they filled almost all the Government, Police and Military posts. Therefore it was against a revolt by them rather than against a revolt by the non-Muslims (although the latter represented the vast majority of the State's population) that he had to guard. The Nizam felt, and it was to be acknowledged, that it would take time to educate the all-powerful minority to the step of accession.

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Nevertheless, Sir Walter Monckton had reported that his conversations with the Nizam were going well. He was coming round slowly.

[4] See No. 385, paras. 7–8.
[5] A reply along these lines to the Nawab of Bhopal has not been traced.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/147: ff 184–5

MOST IMMEDIATE NEW DELHI, *7 August 1947, 6.00 pm*
CONFIDENTIAL *Received: 7 August, 5.50 pm*

No. 3237–S. Gurkhas. Reference my immediately preceding telegram,[1] following is text of communiqué. BEGINS. Subject to negotiations regarding terms and conditions, agreement has been reached in principle between the Governments concerned about the future of the Gurkha units which now form part of the Indian Army.

The first and second battalions of 2nd Gurkha Rifles, 6th Gurkha Rifles, 7th Gurkha Rifles and 10th Gurkha Rifles and their Regimental Centres have been allotted for service under H.M.G. All other existing Gurkha Battalions remain in the Army of the Dominion of India, but the continuance of the (war raised) 3rd and 4th battalions of any regiment may only be of a temporary nature. No Gurkha will be compelled to serve against his will either under the Dominion of India or HMG.

The agreement whereby the eight battalions of 2nd, 6th, 7th and 10th Gurkha Rifles are allotted for service under the British Government is in anticipation of satisfactory arrangements regarding conditions of service, and without prejudice to negotiations in this respect. Missions representing the Government of India and HMG are shortly proceeding to Nepal to discuss details.

From the 15th August all Gurkha battalions serving in the Dominion of India will be under the command of the C-in-C of the Army of India, and those in Pakistan under the command of the C-in-C of the Army of Pakistan until they can be moved into India. Gurkha battalions overseas will remain under the command of the Supreme Commander.

Until such time as Army Headquarters of the Dominion of India is able to take over the full administration of all Dominion troops (including Gurkha units) located in the Dominion, the Supreme Commander will be responsible

[1] In tel. 3236–S of 7 August Lord Mountbatten stated that the communiqué had 'been approved by all concerned here' and would be given to the press for publication on 9 August. He presumed Lord Listowel would make an announcement in Parliament. R/3/1/147: f 186.

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for the general overall administration of Gurkha units in the same way as he remains temporarily responsible for the general administration of all units of the armies of India and Pakistan as well as of British Troops still located in the two Dominions. ENDS.[2]

[2] In tel. 10247 of 8 August Lord Listowel explained that a parliamentary announcement could not be arranged and that the announcement would now be released as a press communiqué for publication in the London papers on 9 August with an embargo against previous broadcasting. R/3/1/147: f 190.

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Foreign Office to Permanent United Kingdom Representative to the United Nations

Telegram, L/E/9/1514: f 185

MOST IMMEDIATE *7 August 1947, 4.30 pm*
SECRET

No. 2513. My telegram No. 2462[1] [of 4th August].

Pakistan and United Nations.

Viceroy now telegraphs[2] that Moslem leaders recognise need for Pakistan to apply for membership of United Nations. They have asked that United Kingdom should put in an application on behalf of Pakistan immediately, which will be confirmed by Pakistan herself directly she becomes an independent state on August 15th (repeat August 15th).

2. It seems to us that if action can be deferred till August 15th (when, though Membership Committee will have reported to Security Council, Council will itself still be considering question of new admissions) it would be much preferable to do so, since it would clearly be awkward for us to make an application on behalf of a state which is not yet technically in existence, and precedent might be an embarrassing one. If you think that it is safe to wait until then and that this would not impair chances of favourable consideration of Pakistan's candidature, we should propose to advise Viceroy accordingly.

3. If, however, you think that some action before Membership Committee makes its report is essential, there seem two possible courses, either (a) for us to give notice in Membership Committee itself, that Security Council may expect a formal application by Pakistan on August 15th or (b) for Moslem leaders to telegraph at once in the same sense to Secretary General. Or conceivably the two courses (a) and (b) could be combined.

4. We should be grateful for your views by most immediate telegram in order that we may advise Viceroy. If you think that course at paragraph 3 (a) above is the right one, please act immediately in that sense.

Repeated to Viceroy, New Delhi.

[1] Repeating No. 328. [2] No. 362.

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Political Agent at Jaipur to the Secretary to the Crown Representative

Telegram, Mountbatten Papers. Official Correspondence Files: Refugees, Part I(a)

CONFIDENTIAL *7 August 1947, 10.30 pm*
Received: 8 August, 6.00 pm

No. 1133/2. Reference Polindia telegram No. 3196 dated August 5th.[1]
I visited Alwar today and made enquiries. Situation is still serious but H.H. the Maharaja hopes to control it within a few days. H.H. considers State Forces and police adequate for present but if situation deteriorates he will ask Jaipur for help.

He claims that 50,000 Meos entered Alwar from Gurgaon and Bharatpur and were given shelter for several months and gave no trouble. These Meos became restive and started looting which led to present disturbances. Hindus retaliated and these Meos started to leave Alwar. Almost all Alwar City Muslims have left but will come back. H.H. vouches loyalty and impartiality of army and civil officials but admits number of Muslims in army deserted with arms and had to be rounded up. Meetings with view to establishing[?] posts being held but exodus of Meos and other Muslims continues. Prime Minister supports H.H's views.

On the other hand General Abdul Rehman Khan until recently Army Minister and now Minister of Supply maintains all major incidents perpetrated by Hindus and Muslims treated very badly and subjected to many atrocities. All Muslim officials and others thoroughly demoralised and leaving Alwar. Also many forcible conversions to Hinduism.

My personal view is that although H.H. genuine in impartial attitude he is receiving misleading reports and this borne out by hundreds of Muslim refugees seen on all stations and also by desertions of Muslims from State Forces and desertions of posts by Muslim civil officials. True facts can only come to light by impartial enquiry when disturbances end but this impossible in present circumstances.

Casualty figures not available but many villages of both communities burnt and incidents reported every day. Conversions to Hinduism continuing on big scale and admitted by both Hindus and Muslims but different motives attributed. General panic prevails and I consider it will take some time for situation to return to normal.

Police Adviser of Resident who visited Alwar with me agrees generally with me. Addressed Rajputana and repeated to Polindia New Delhi.

[1] Explaining that concern had been expressed in Delhi over Muslim refugees entering British India from Alwar, and requesting a report on the situation. Mountbatten Papers, Official Correspondence Files: Refugees, Part I (a).

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Government of Pakistan, External Affairs and Commonwealth Relations Department to Secretary of State

Telegram, L/P&S/12/4724: f 102

CONFIDENTIAL NEW DELHI, *7 August 1947, 10.55 pm*
Received: 7 August, 11.15 pm

No. 6420. We have approached the governments of U.S.A., China, Iran, Afghanistan and Egypt with a proposal for exchange of Ambassadors with Pakistan. Channel of communication in the case of U.S.A. and China was their Ambassadors in New Delhi, in the case of Afghanistan and Iran Consul General; while Egyptian Foreign Office has been approached informally through Indian Government Trade Commissioner Alexandria with instructions to inform His Majesty's Ambassador Cairo.

Australia and Canada have been approached through their High Commissioners in New Delhi for appointment of High Commissioners.

Replies when received will be communicated.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/165: f 60

IMMEDIATE NEW DELHI, *8 August 1947, 00.30 am*
SECRET *Received: 8 August, 1.15 am*

No. 3265-S. I spoke to Jinnah and Liaquat Ali Khan yesterday[1] and agreed to submit following programme to you for the Frontier Province:—

(1) I would instruct Lockhart to dismiss his Ministry on the afternoon of the 11th or the morning of August 12th;

(2) Cunningham should take over as Governor on the evening of the 12th or morning of the 13th and ask the Leader of the Muslim League party in the Assembly to form a new Ministry. This will mean that Cunningham will have to be sworn in as Governor using the old form of oath &c. I should be grateful if you could have his Commission sent to me as soon as possible by telegram;

(3) Lockhart to arrange for military precautions to be taken to prevent trouble by the Red Shirts over the dismissal of the Ministry and the formation of a Muslim League Government.

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2. Liaquat Ali Khan states that Dr Khan Sahib, if he remains in office, proposes to declare an independent Pathanistan on August 15th. This must obviously be avoided if there is to be peace on the Frontier.

3. I should be grateful for your agreement to this course with least possible delay.

Repeated to Governor N.W.F.P.[2]

[1] No record of this interview has been traced. [2] See No. 365, note 4.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/166: ff 61–3

8 August 1947

Dear Mr Jinnah,

I am most exercised that no agreement has yet been reached about the terms of the Pakistan–Kalat communiqué, and I very much hope that you will be able to accept the suggestions contained in the attached letter by General Ismay. I myself entirely agree with them and consider that your position would be fully safe-guarded. Further, I am so certain that His Highness will agree that, subject to your concurrence, I will publish the communiqué without further reference to him.

It will be most embarrassing for everyone if this point is not settled quickly and I am therefore sending this by safe hand of pilot. If your secretary could telegraph or telephone your concurrence a good deal of time would be saved.

Yours sincerely,

MOUNTBATTEN OF BURMA

Enclosure 1 to No. 375

8 August 1947

Dear Mr. Jinnah,

On the 5th August[1] you were kind enough to send me a revised draft communiqué on the subject of relations between Pakistan and Kalat, and I sent a copy of your draft to His Highness the Khan.

I now attach a copy of his reply,[2] from which you will see that he finds difficulty in accepting your amendments to clauses 1 and 2 of the original draft.

Accordingly, so far as clause 1 is concerned, would you consider the following re-draft, which accurately records the position which was agreed to by

[1] No. 351. [2] No. 360.

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both parties at the meeting on 19th July,[3] which was presided over by His Excellency, and at which the Pakistan States Department was represented by Mr. Rab Nishtar and Mr. Akhtar Hussain:

"1. The Government of Pakistan recognises Kalat as an independent sovereign State in treaty relations with the British Government, with a status different from that of Indian States."

So far as clause 2 is concerned, may I suggest that it would be as well to limit legal opinion to the specific question at issue, i.e. the position of the leased areas as from August 15th. If you accept this suggestion, clause 2 would read as follows:

"2. Legal opinion will be sought as to whether or not agreements of leases between the British Government and Kalat will be inherited by the Pakistan Government".

His Highness the Khan has already left Delhi, but I believe that he would agree to the two clauses as re-drafted above, provided, of course, that you yourself feel able to accept them.

It is obviously of the first importance to get this matter settled at once since, if no standstill agreement is reached the consequences might be most embarrassing to everybody.

There is a further point. Assuming that a standstill agreement is reached, on the above basis, it will be necessary for action to be taken which will ensure the continuance of laws at present in force in the leased areas. I have, therefore, drafted a notification which will, I think, achieve what is wanted, without prejudice to subsequent negotiations between Pakistan and Kalat.

I attach a copy of this draft notification and would be glad to know whether you would be prepared to have it issued on 15th August.

I am extremely sorry to trouble you direct with this matter when you must be under tremendous pressure of work, but in view of the urgency, I have no alternative.

I have sent a copy of this letter to His Highness the Khan of Kalat, so that he may know what is afoot.[4]

Yours sincerely,

ISMAY

Enclosure 2 to No. 375

NOTIFICATION TO BE ISSUED ON 15TH AUGUST 1947 BY THE HEAD OF THE BALUCHISTAN ADMINISTRATION

In virtue of an agreement reached between the Governor General of Pakistan and the Khan of Kalat, it is hereby directed that all laws and enactments which on the fourteenth day of August 1947 were in the areas of

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Baluchistan leased by the Khan of Kalat to the British Government shall for the time being continue in force.

[3] No. 174.

[4] In his letter of 8 August to the Khan of Kalat, Lord Ismay commented: 'If, as I hope will be the case, Mr Jinnah accepts the amendment to clause 1, I am advised that Your Highness would do likewise.' Ismay added that Lord Mountbatten had written to Jinnah endorsing his (Ismay's) suggestions and expressing the hope that this urgent matter would be settled immediately. R/3/1/166: f 65.

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The Nizam of Hyderabad to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(b)

HYDERABAD, DECCAN, *8 August 1947*

My dear Lord Mountbatten,

I am writing to you to make plain the position of my State in the negotiations which are in progress at Delhi. It has always been my desire and the desire of Hyderabad to make the fullest contribution to the prosperity and welfare of India as a whole. Indeed I recognise that the States have a great opportunity to exercise a stabilising influence; both because of their relative freedom from communal strife and because the States represent the section of India which at present has the greatest experience of administration. When it was contemplated that India, on gaining its independence, would become a single Union, I was quite ready to take my share in the defence of the sub-continent and to make arrangements for the foreign policy of Hyderabad to be directed in general conformity with the foreign policy of India. The partition of India, however, has gravely complicated the problem for my State. As Your Excellency knows, while Hyderabad is necessarily closely concerned in various ways with what will now become the Dominion of India, there are also many ties between my State and the future Pakistan Dominion. It will be within Your Excellency's knowledge also that in this State, which my ancestors and I have ruled for more than two centuries, there has been little communal disturbance and the cleavage on religious grounds has always been much less acute than in British India. It is my earnest wish to pursue a policy which will enable this freedom from discord and disorder to continue, and for this purpose I must take into account the importance of maintaining good relations with both the new Dominions. It is not yet clear how far or in what manner the Indian Dominion and the Pakistan Dominion will consult and co-operate on matters of common concern or how closely their policies can be integrated on the essential subjects of External Affairs and Defence. I understand that this is a matter which, it is recognised, cannot be resolved before the 15th August. It is not possible for me to contemplate an organic union with either of the

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Dominions until I am more fully informed on these matters. I am bound at this stage to wait and see how the relations between the two Dominions are regulated and developed.

(2) I was happy to observe that in the recent debates in Parliament on the Indian Independence Bill the difficulties of the immediate position for such States as Hyderabad did not pass unnoticed. I need only remind Your Excellency, by way of illustration, of three speeches for the Government which recognised that the States ought not to be asked for hurried decisions at this juncture and that a treaty rather than a federal relationship might be the solution in present circumstances. Lord Listowel in the House of Lords stated that from the date when the new Dominions are set up "the appointments and functions of the Crown Representative and his officers will terminate and the States will be the masters of their own fate. They will then be entirely free to choose whether to associate with one or other of the Dominion Governments or to stand alone and His Majesty's Government will not use the slightest pressure to influence their momentous and voluntary decision".[1] A little later he observed:— "Whatever the future relationship between the new Dominions and the States may be, it will require prolonged consideration and discussion before the final adjustment can be made."[2] The Prime Minister, Mr. Attlee, in the House of Commons, pointed out that "until the constitution of the Dominions has been framed in such a way as to include the States as willing partners, there must be a less organic form of relationship between them and there must be a period before a comprehensive system can be worked out."[3] Sir Hartley Shawcross, the Attorney-General, in the course of the same debate, while expressing the hope that no irrevocable decision to stay out would be taken prematurely, said that the Government realised that "it is bound to be some time before the States will have all the information before them to make their final decision."[4]

(3) In a later and, as I think, a most helpful passage in his speech the Attorney-General said: "We hope . . . that the States will associate themselves with one or other of the new Dominions in a federal or treaty relationship on fair terms fairly and amicably negotiated."[5] I am fully in accord with the spirit of this suggestion. For I have always been resolutely opposed to a policy of isolation for my State and although in present circumstances I cannot contemplate bringing Hyderabad into organic union with either of the two new Dominions, I am still ready and willing to see Hyderabad play its proper part in the defence of the Indian sub-continent and to have the conduct of the External Affairs of my State undertaken in general conformity with the Foreign Affairs of the whole sub-continent. My difficulty is how to accomplish this purpose in friendly co-operation with both the new Dominions. I have naturally and necessarily taken into account the fact that the Dominion of India is my

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neighbour and I am fully prepared (in accordance with the Attorney-General's suggestion) to enter into a treaty with them whereby a suitable arrangement is made in respect of land communication, so that all-India standards are recognised, and through communications and mutual interchange facilities are assured, and Hyderabad contributes an agreed number of troops to the defence of the Dominion. Moreover, I should be willing to agree in this treaty to conduct the External Affairs of my State in general conformity with the foreign policy of the Dominion of India. But it would be necessary for me to provide against the possibility, which I earnestly hope will never arise in fact, that the two new Dominions might pursue a mutually hostile policy. In that case, it would be unthinkable for my State to pursue a hostile policy towards the Dominion of Pakistan and it would have to be provided that Hyderabad in such an event would remain neutral. Further, Hyderabad already has an Agent-General[6] in the United Kingdom and must reserve the right to appoint representatives to act for Hyderabad elsewhere if and when it wishes to do so.

(4) It is a matter of deep satisfaction to me that both the new Dominions will be within the family of the British Commonwealth of Nations. I should want a provision inserted in the Treaty whereby if unhappily either party should at some future date decide to secede from the Commonwealth the other party should be free to review the provisions of the Treaty. For, in spite of the provisions of Section 7 of the Indian Independence Act[7] I cannot believe that, after more than a century of faithful alliance, it is the intention of the British Government to throw my State out of the Empire against my will.

(5) Before I turn to other provisions which would need to be included in such a Treaty, I must record my astonishment and regret that though Hyderabad's Negotiating Committee was available in Delhi for a fortnight until the 5th August those who will be responsible for the Dominion of India refused to negotiate with them on any subject, even including Standstill Agreements and Berar, unless as an essential preliminary Hyderabad was prepared to agree to accede.[8] It was made absolutely plain by my Committee that, short of accession, Hyderabad was ready and willing to enter into Treaty relationship. Political relationship other than accession was expressly included as an alternative open to States, in the Memorandum of the 12th May 1946[9] which was re-affirmed in the Statement of the 3rd June 1947[10] accepted both by Congress and the Muslim League. The reason why Standstill arrangements were recommended by the Government of India was to avoid administrative

[1] *Parl. Debs.*, 5th ser., H. of L., vol. 150, 16 July 1947, col. 812. [2] *Ibid.*
[3] *Parl. Debs.*, 5th ser., H. of C., vol. 439, 10 July 1947, col. 2452.
[4] *Parl. Debs.*, 5th ser., H. of C., vol. 440, 14 July 1947, col. 100. [5] *Ibid.*, col. 103.
[6] Hyderabad had a Trade Commissioner in the United Kingdom, not an Agent-General; see Nos. 118, para. 2 and 176.
[7] No. 164. [8] cf. No. 329.
[9] Vol. VII, No. 262. [10] Vol. XI, No. 45, para. 18.

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chaos. It is recognised that Section 7 of the Indian Independence Act does not cover the whole ground. For this very reason Hyderabad was anxious to negotiate a standstill agreement but those responsible for the Dominion of India entirely declined to take part in such negotiations. My State will nevertheless do its best, even without such an agreement, to avoid any administrative deadlock which is bound to cause inconvenience to both. If any such deadlock or inconvenience should occur the fault will rest squarely on the Dominion of India.

(6) It is even more surprising that negotiations should be refused on the subject of Berar. His Majesty's Government and the new States Department have unequivocally recognised my sovereignty over Berar and also my legal right to the reversion of administration over that territory on the 15th August 1947. I should be prepared to arrange for the continuance of the *status quo* for the time being to enable the whole problem to be reasonably and amicably settled. But those responsible for the new Dominion wholly refuse to negotiate in the matter, unless I first agree to accede and this, for reasons which I have already explained, I decline to do. I learn (though I find it hard to believe) that in defiance of my admitted rights the new Dominion of India mean to start their career by seizing my territory.

(7) I cannot but regard this refusal to negotiate except on terms that Hyderabad first agrees to accede as coercion and pressure to join and a compulsion to a hurried decision. And I hope that even at this late hour, through the good offices of Your Excellency as Crown Representative with special responsibilities to see that His Majesty's Government's pledges to the States are honourably fulfilled, this policy may be reversed. For it is utterly inconsistent with the declared pledges and policy of His Majesty's Government.

(8) Such a Treaty as I have suggested would have to cover various other matters, among them a Customs Agreement which would take into account the provisions of the Commercial Treaty of 1802 which has long been a matter of dispute between His Majesty's Government and myself. But it is not necessary to elaborate such provisions in this letter, because if the principle of a treaty on the basis of my proposals in this letter is accepted, I do not doubt that with anxiety on both sides to resolve our difficulties in a spirit of reasonable accommodation, we shall be able to reach a concluded agreement without undue difficulty or delay.

(9) If, however, those who will be responsible for the Government of the Indian Dominion are unwilling to enter into negotiations on the basis of such a treaty as I am proposing, I shall nevertheless deem it necessary to publish this offer, in order that the policy which I feel bound to adopt and which I have no desire to hide, may be fully understood both within my State and outside it.

Yours sincerely,

MIR OSMAN ALI KHAN

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Sir G. Abell to Mr Abbott

R/3/1/157: f 255

TOP SECRET *8 August 1947*

My dear Abbott,

I enclose a map[1] showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award, and a note by Christopher Beaumont describing it. There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore district.

The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E the Governor has any views on this point?

Yours sincerely,

G. E. B. ABELL

[1] No copy of this map, or of the note by Mr Beaumont describing it, is on the file. In April 1948, in a telegram to Lord Ismay discussing points of controversy which had arisen over the Punjab Boundary Award, Lord Mountbatten made the following comment about Sir G. Abell's letter to Mr Abbott: 'The point that arises here was that Abell sent the letter concerned without my knowledge. It may be hard to convince people that that was so. It will look to have been an odd procedure.' L/P &J/10/119: f 111. It may also be noted that in a letter dated 19th November 1968 to Sir F. Mudie, S. Ghias Uddin Ahmed stated, on behalf of the Government of Pakistan, that both the map and the descriptive note were in the possession of the Pakistan Government. See MSS. EUR. F. 164/63, where also may be found an account of how these documents came to be transferred.

Sir E. Jenkins, in a letter dated April 1948 to Lord Mountbatten in which he too discussed points of controversy which had arisen over the Punjab Award, described the two documents in question as follows: 'The enclosures were a schedule (I think typed) and a section of a printed map with a line drawn thereon, together showing a Boundary which included in Pakistan a sharp salient in the Ferozepore District. This salient enclosed the whole of the Ferozepore and Zira Tahsils.' Jenkins also stated that: 'About the 10th or 11th August, when we were still expecting the award on 13th August at latest, I received a secraphone message from Viceroy's House containing the words "Eliminate Salient" . . . The change caused some surprise, not because the Ferozepore salient had been regarded as inevitable or even probable, but because it seemed odd that any advance information had been given by the Commission if the award was not substantially complete.' L/P &J/10/119: ff 104–6.

It may be noted that Sir C. Radcliffe confirmed, in a letter now in the possession of the Foreign and Commonwealth Office Research Department, that he had destroyed his own notes and drafts in connection with the proceedings of the Boundary Commission and that he had in fact brought nothing at all of this sort home with him from India.

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Notes by Sir G. Abell and Mr C. P. Scott

R/3/1/157: ff 253 and 271

[H.E.]
Letter[1] below from H.H. the Maharaja of Patiala. This was enclosed with a personal letter to me. As it is impossible for Y.E. to undertake to make any representation to the Chairman of the Boundary Commission (who has, in fact, already dictated his award), I think it would be best not to send a reply. I have already acknowledged the personal letter to me, and said that Y.E. will consider the matters mentioned by H.H[2]

G. E. B. ABELL
8th August 1947

[P.S.V.]
H.E. mentioned this morning that he had had a letter from H.H. Patiala about the Boundary Commission's award in the Punjab. H.E. said that he was inclined to answer this letter although you had advised that he should ignore it. He said that he had had letters from all the Sikh rulers now, and felt that he should explain the position at great length to Patiala, pointing out that the Leaders had appointed the Boundary Commission, had settled its terms of reference, and that he himself was in no way able to influence the Commission's findings. I have not seen this letter. If it is with you and you can send it down, I will draft.[3]

C. P. SCOTT
11th August 1947

[1] No. 367. [2] Lord Mountbatten minuted in reply 'I agree. M.'
[3] For the letter as sent, see No. 441.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

MOST IMMEDIATE NEW DELHI, *8 August 1947, 2.00 pm*
SECRET
No. 3269-S. I discussed[1] with Trivedi matter of the Sikhs[2] and sent Abell to Jinnah[3] to see whether he saw any objection to postponing action till results of the Boundary Commission's award were known.

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2. As I expected, Jinnah said he had only agreed to simultaneous arrests as a compromise. What he would have liked was immediate action. He added that clearly Patel on the other hand would have liked to postpone action as proposed by you, and Trivedi after seeing Patel confirms this.

3. Jinnah added that though a common policy agreed by the two successor authorities was desirable it was useless to discuss the matter further and he must leave the decision to me.

4. You now have Mudie with you and will have discussed matter with him.

5. You are the best judge of the situation. If you advise waiting to see reactions to the award I agree, but presume you will put out a very complete net so as to pull in the most dangerous people promptly.

[1] No record of this interview has been traced. [2] See No. 345. [3] See No. 361.

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Cabinet Office to U.K. High Commissioner, New Delhi

Telegram, L/P&S/13/1839: ff 22–3

SECRET *8 August 1947, 12.31 pm*

UKRI 540. Following repeats Foreign Office Circular No. 48 of 6th August, 1947.[1]

BEGINS. Under Indian Independence Act paramountcy over Indian States lapses with effect from 15th August and technically their connection by special treaty relationship with the Crown will terminate. But as was made clear in House of Commons by Prime Minister[2] on 10th July and Attorney General[3] on 14th July and in House of Lords by Secretary of State[4] for India on 16th July, His Majesty's Government believe that future of Indian States inevitably lies in association with British India with whose territories their own are inextricably intertwined. We therefore hope that all Indian States will enter into a federal relationship with one or other of the new Dominions of India and Pakistan or, failing this, enter into particular political arrangements with them and thus retain their connection with the Commonwealth.

2. Some time may elapse before all do this and some, particularly Hyderabad,[5] have so far declared their intention not to federate with either Dominion. Thus

[1] A message to the same effect was sent to Dominion Governments in tel. D. No. 687 of 12 August. L/P&S/13/1839: f 18.
[2] *Parl. Debs.*, 5th ser., H. of C., vol. 439, col. 2452.
[3] *Ibid.*, vol. 440, col. 103.
[4] *Parl. Debs.*, 5th ser., H. of L., vol. 150, col. 812 [5] See No. 376.

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there is likely to be a period during which international status of some at least of the Indian States will be undetermined. In practice we expect that diplomatic representatives of India or (when they are appointed) of Pakistan, will continue to look after the interests of the Indian States even in advance of the time when by accession to one or other Dominion they merge themselves for international purposes with that Dominion. Most Indian States have already sent representatives to Constituent Assembly of Dominion of India, and negotiations are now in progress between all States and the new Dominions regarding their future relationship.

3. His Majesty's Government are not prepared to define what in the event of these negotiations failing their attitude would be towards any Indian States which claim to be independent. In any case His Majesty's Government do not propose to recognise any Indian State as a separate international entity on 15th August. It would be most unfortunate if any other Power gave such recognition to any State at this stage as this would prejudice the negotiations now in progress between the Indian States and the new Dominions.

4. I would be grateful if you would deal with any enquiries you receive on this subject on the above lines and report any indications which reach you of the attitude of the Government to which you are accredited.

5. For your own information we understand that United States Government have received reports that certain Arab States may be contemplating diplomatic recognition of certain Indian States after 15th August. State Department have accordingly instructed their posts in Egypt and Middle East to inform Governments to which they are accredited that United States Government share desire of His Majesty's Government that Indian States should associate themselves with one or other of the new Dominions and that United States Government have no intention of according any Indian State diplomatic recognition. ENDS.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: f 62

IMMEDIATE *8 August 1947, 4.30 pm*
SECRET *Received: 8 August, 9.00 pm*

No. CA/166. Your telegrams 3265-S[1] dated August 8th and 3264-S[2] dated August 7th.

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In view of possibility of serious disturbances if Ministry is dismissed consider it essential that new Ministry should come into power as soon as possible after Act of dismissal. Consider therefore Governor should invite League Leaders to form Ministry immediately he dismisses the old.

2. Will try again to persuade Khan Sahib.

[1] No. 374. [2] Asking for comments on No. 374. R/3/1/165: f 59.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

IMMEDIATE *8 August 1947, 5.15 pm*
SECRET *Received: 8 August, 10.45 pm*

No. 219–G. Situation is now most serious and I have discussed it this morning with Commander Punjab Boundary Force and Inspector General of Police.

2. In rural areas of Amritsar, Hoshiarpur and Jullundur we have for some days had both casual attacks and organised raids in most of which Sikhs are aggressors and Moslems the victims. Rural areas of Lahore, Ferozepore and Ludhiana have all reported similar outrages including organised raids though trouble there seems less widespread so far. Amritsar and Lahore cities continue to give trouble. So does Gujranwala and there have been bomb explosions in Lyallpur followed by 15 casualties from stabbing. Gurdaspur (both towns and districts) may blow up at any time. 9 of the 12 boundary districts[1] are thus already involved. Daily casualties running between 50 and 100.

3. Our civil side of picture is not encouraging. Transfers and postings connected with partition are in progress. Standard of reporting of incidents has fallen off. Police in East Punjab are unsteady and Moslem policemen in Amritsar intend to desert to West Punjab on 15th August. Similar intention may exist in other districts since extreme communal feeling has been fostered both by leaders and press. With new teams getting into position, confused information, unsteadiness of services, particularly police in East Punjab, prospects of good start for new governments particularly East Punjab Government are poor. We are dealing with all this as well as we can and Inspector General of Police is informing Amristsar police today that West Punjab will in no circumstances employ deserters.

[1] See Nos. 184 and 205, Case No. P.C. 74/8/47.

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4. Commander Punjab Boundary Force tells me strength of his 5 Brigade groups average 1500 effective rifles. This means that in addition to police we have a strength of say 7500 effective rifles to control 12 districts with a population of no less than 12 million. Use of training centres and static troops will add another 1500 but even so strength will not be large. Rural raiding in areas in which communities are inextricably mixed cannot be checked except by display and use of force on massive scale. I am satisfied everything possible is being done with resources available and have told Commander Punjab Boundary Force that all ranks will be backed up in any *bona fide* action to disperse unlawful assemblies under section 5 of Punjab Disturbed Areas Act and connected Central Ordinance.[2] Interception and immediate dispersal of raiders is vital.

5. Following action by Centre would help (1) reinforcement of Punjab Boundary Force if possible. I cannot recommend withdrawal of troops from Gurgaon or from Eastern Punjab where reprisals highly probable. (2) Attachment of tactical reconnaissance squadron or at least flights to Punjab Boundary Force. This is most urgent. (3) Release of 200 provincial additional police now lent to Delhi Province. East Punjab cannot afford to lend these men and they should be returned immediately. I understand official move has been made. (4) Earliest possible advance information of Boundary Commission's award.

[2] See Nos. 286 and 299.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

R/3/1/139: ff 179–82

8 August 1947

Dear Listowel,

With reference to your telegram No. 9947 of the 1st August,[1] and my reply No. 3161–S of the 4th August,[2] I cannot help feeling that things are moving so fast out here that the India Office have been unable to keep abreast of them. For when your telegram was taken at my daily Staff Meeting[3] at which all the senior members of my Staff were present, everyone without exception expressed their amazement at the view taken by the India Office. I therefore feel that it is only right that I should write a rather fuller letter giving the whole background of recent negotiations and to try and put you into the picture and to give you the situation as I now see it.

2. My address to the Conference of Rulers and States Representatives on July 25th,[4] which was the particular subject of your criticism, has been held by

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everyone else, except the extreme Congress leaders, as a most statesmanlike statement; and, so far as I can make out, all the Princes and States representatives warmly welcomed it, many of them having taken the trouble to write or see me personally to tell me so. On the other hand both Sardar Patel and I have been attacked in the more extreme Congress Press for selling the position to the Princes.

3. I took the opportunity, on the 25th July, to advise the Princes to align themselves with one or the other of the two Dominions, while I, in my capacity as Crown Representative, was still in a postition to safeguard their interests and to obtain fair, and even generous terms from Sardar Patel, the Member in charge of the States Department and the man who can deliver the goods on behalf of the Dominion Government that will come into existence on the 15th.

4. As soon as I turned my attention to the problem of the States, it became evident to me that their independence, based on the Cabinet Mission memorandum of May 12, 1946,[5] read with our June 3 statement,[6] would not be worth a moment's purchase unless they had the support of one or the other of the two Dominions, principally because of the wide gap that prevails, between the Rulers and the ruled. Barring a few States, the rest have no real military forces of their own, and such police as they possess, are hardly adequate even to deal with the internal situation. This has been proved conclusively by the recent riots in the Rampur State[7] where the Muslim subjects of the Muslim Ruler, though in a minority, organised widespread riots and destruction of Government property and offices, by way of a protest against the decision of the Rampur Ruler to accede to the Indian Dominion, and where he had to call in aid from the Government of India. The aid was promptly given and the situation there is now rapidly returning to normal. You can imagine what would have been the position in Rampur, if this had occurred after 15th August and they had declared their independence, particularly if the riots had been organised by the Hindus who form nearly 90% of the population!

5. I foresaw the possibility of such a situation developing after August 15th and felt that the States in their own interests, must align themselves with one or the other of the two Dominions, the alignment being determined, as stated in Parliament, with due regard to geographical compulsions. I laid stress on these facts in my advice to the Rulers and told them that if they wanted me to use my good offices to obtain the best terms possible from the leaders of the

[1] No. 307. [2] No. 340.
[3] There is no record of a discussion of Lord Listowel's telegram in the minutes of the Viceroy's Staff Meetings in the Mountbatten Papers.
[4] No. 234. [5] Vol. VII, No. 262. [6] Vol. XI, No. 45, para. 18.
[7] cf. No. 385, paras. 4-6.

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Congress party, I would be available to them only up to August 15th. In order to achieve this object, I devised an Instrument of Accession under which States could surrender their sovereignty in respect of three minimum subjects of defence, external affairs and communications and yet retain their sovereignty in all other matters as also complete internal autonomy. All that the States were asked to surrender were powers which they never exercised during their entire association with the British Government and which they were not, by virtue of their limited resources and isolated situation, in a position to discharge effectively. Simultaneously with Accession, the Rulers were advised to enter into standstill agreements with the new Governments so that the existing arrangements could be continued until modified by mutual consent, thus avoiding the risk of chaos, dislocation or confusion.

6. In these efforts of mine to secure the best possible terms for the Indian States, I found a welcome accommodating attitude on the part of both Pandit Nehru and Sardar Patel. It is known that these leaders have never been reconciled to the plan of partition, and they were naturally most anxious that the process of disintegration should not go further. This proved to be a strong bargaining factor in my hand and I played it so as to secure terms of accession which many Rulers told me in private that they had never expected. At the same time the terms are not unfair to the Indian Dominion and must tend towards integration of the country as well as internal stability which are so essential for progress and development in the difficult years ahead.

7. In all these negotiations and discussions there has been, of course, no question of any pressure or undue influence, but it would be doing a disservice to a friendly set of people like the Princes not to put before them a clear picture of what is likely to happen after August 15th, if they do not make friends with the contiguous Dominion, knowing as I do, their helplessness, as also the mounting momentum of agitation on the part of the people of most of these States.

8. I am glad to be able to say that even Sir C. P. Ramaswamy Iyer who was the most truculent of the representatives of the Indian States until a short while ago, and who is placed in a better position than most of the States owing to the situation of Travancore, saw the unwisdom of standing out or of delay in making a decision on this vital matter, and agreed in his interview with me that Travancore would accede to the Indian Dominion on terms secured by me.[8] The States that have not yet made up their minds so far are Hyderabad, Bhopal, Kashmir and Indore. Hyderabad sees the force of the wisdom of joining the Indian Union but is afraid of the reactions of its Muslim subjects who though only 13% are organised and powerful.

9. I strongly feel that if we leave the States without association with one or

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the other of the two Dominions, there will be plenty of justification for the allegation against us that while we unilaterally terminated all treaties and agreements, we took no steps for the safety and security of the States from either internal troubles or external aggression. It is therefore impossible for me to ask Patel to agree to an arrangement which while affording complete security to States, would not result in anything by way of *quid pro quo* to the Dominion; and all that Patel asks for is the integration of the country and stability which, I feel, he is entitled to have and which is not a high price to ask of the Indian States.

10. There is still another aspect from which we may look at the case. The Indian Dominion, consisting nearly of 3/4ths of India, and with its immense resources and its important strategic position in the Indian Ocean, is a Dominion which we cannot afford to estrange for the sake of the so-called independence of the States. I have no doubt that you will agree with me that we should leave no stone unturned to convince the Indian Dominion that although we had to agree to the plan of partition, we had no intention to leave it balkanised or to weaken it both internally and externally.

11. The accession of Princes is bound to exercise a steadying influence on British Indian politics, and this by itself is by no means a small gain. Further, the Princes have without any exception been consistently pressing for the retention of their connection with the Crown and their association with British India cannot but help in the direction of retaining India within the Commonwealth.

12. There appears to be one more misapprehension about the Instrument of Accession which I must clear away here and now. It has been said that it may not be possible for States to accede unless they can see the entire picture of the constitution of the country. That however is not the position. Accession is for a temporary period while the Constituent Assembly is engaged in the constitution-making which is likely to take some months and during which period, however short it may be, we cannot expect the country to remain broken up and in a state of perpetual disturbance. But when the constitution is framed, the States will have another opportunity of judging how they fit in and whether they would like to adhere to the new constitution. The Instrument of Accession which the States are now asked to sign makes it clear that they are not committed to the constitution of the Union of India or even to any amendment of the Indian Independence Act or the Government of India Act, 1935, which may be carried out subsequent to the accession. The States will accede to the Dominion now knowing what the position is and thus there is no question of a State being called upon to accede in darkness or without a clear picture.

[8] cf. Nos. 228, paras. 16–19 and 284.

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13. The importance of completing these negotiations by the 15th August is that I shall cease to be Crown Representative on that day and the States will have thereafter to make their own terms with the Dominion. It is clear that the compulsion of events will sooner or later force them into the arms of the Dominions. It is equally clear that once the present chance is missed the terms which the Princes will receive will not anywhere be as generous as the terms which I can secure for them now, while I am still Crown Representative. It will thus be seen that it is the States which stand to lose if they do not come under one or the other of the two Dominions by August 15th, regard being had to the explosive situation caused by suppression of their subjects for long years and to the disparity in the standard of prosperity between the people of the States and the people in the contiguous areas of British India.

Yours sincerely
MOUNTBATTEN OF BURMA

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND TOP SECRET *8 August 1947*

My dear Listowel,

Thank you for your letter of the 2nd August.[1] Amongst the points that you mention is the question whether or not Kalat is legally an Indian State. On this point I have always been very careful not to commit myself personally. It has been made quite clear that it is only Kalat itself and the Pakistan Government which consider, for the purposes of negotiation, that Kalat is not an Indian State. In this week's Personal Report I give an account[2] of my latest meeting with the Khan of Kalat.

2. I enclose the draft communiqué[3] which was agreed in principle between Jinnah, the Khan and myself, but with the words underlined (which Jinnah wishes included and the Khan does not wish included) still a matter of negotiation between the three of us—unfortunately by letter as Jinnah and His Highness have now left Delhi.

3. I was invited by the Khan of Kalat to add to the communiqué that I also recognised he was an independent sovereign ruler. I replied that so far as H.M.G. were concerned they considered Kalat to be an Indian State, but since the two interested parties both agree I did not propose to interfere with this agreement.[4]

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4. I have been sent by the Maharaja of Sikkim a memorandum[5] regarding the cession of Darjeeling. I have not yet received the advice of the External Affairs Department on this memorandum, but I enclose a copy of it for your information.

5. On the issues raised in my speech[6] to the Chamber of Princes, we have already exchanged telegrams.[7] But I feel that, especially with regard to your mention of this in your letter of 2nd August, I should somewhat elaborate my view-point, and am addressing a separate letter[8] on this subject to you.

6. In my last week's Report, I referred[9] to the continued rumours that the Sikhs were likely to make trouble after the Boundary Commission's award has been announced. On 5th August, Jenkins sent down a Police Officer with a verbal report. I took advantage of the fact that there was a Partition Council Meeting the morning he arrived to keep back Mr. Jinnah, Mr. Liaquat Ali Khan and Sardar Patel so that they could hear what he had to say. This Police Officer is a member of the Punjab C.I.D. Control Staff, which co-ordinates investigation of disturbances cases, special interrogation and intelligence from all sources. He gave an account[10] of the statements which had been made by various instigators of disturbances who had been arrested after incidents. The man who had given away most information was an ex-member of the I.N.A., and had during the war been at the Japanese spy school at Penang and sent to India by submarine. This man's statement involved Master Tara Singh in the production of bombs and a Sikh plan to attack a certain headworks. Statements of other men who had been arrested involved Tara Singh in plans to wreck the trains carrying the Pakistan Governmental staff from Delhi to Karachi and in plans to assassinate Mr. Jinnah during the celebrations in Karachi on 15th August. The evidence produced was so incriminating that Jenkins may have to arrest Tara Singh and the more hot-headed of his confederates shortly before 15th August.

7. I have recently been in communication with Wylie concerning the future of the Mutiny Memorials in the U.P. It is a matter on which the Metropolitan of India, who was staying with me last week, is much concerned. Wylie has suggested—

(a) *The Residency at Lucknow.* This should continue under the present arrangements whereby the proprietory rights vest in the Defence Department (who bear the cost of maintenance) and the management is entrusted to a small Committee of which the Area Commander is Chairman;

[1] No. 317. [2] See No. 385, para. 2.
[3] Not printed. See Appendix 'A' to No. 330; see also Nos. 351, 360 and 375.
[4] cf. No. 330, para. 6. [5] Not printed. [6] No. 234.
[7] See Nos. 307 and 340. [8] No. 383.
[9] No. 302, para. 2. [10] No. 345; see also Nos. 346, 361 and 379.

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(b) *The Memorial Well and Gardens at Cawnpore.* These are the property of a regular Trust composed of European business men. They have agreed to offer 30 acres of the site to the Municipality free of cost on condition that it should be kept for ever as a space and not be built upon. They are considering Wylie's suggestion that the remaining 10 acres, including the Well and the Graveyard, should be enclosed and handed over to the Allahabad Diocese Trust; but may prefer to go on managing the Well and Graveyard area themselves.

(c) *The Massacre Ghat at Cawnpore.* The Cross on this is not a conspicuous object and Wylie is inclined to leave it alone.

These suggestions seem to me to be sound and I propose to tell Wylie when he comes to pay me his farewell visit tomorrow that I agree with him.

8. The Maharaja of Bundi (a gallant young soldier who won the M.C. under me in the 14th Army) is an Honorary A.D.C. to the King, and most anxious to be invited to attend Princess Elizabeth's wedding. The other three Honorary As.D.C. I believe are the Maharajas of Patiala and Kolhapur and the Nawab of Bhopal. Not more than one or two of these would be likely to attend if they received invitations, so the total number would be unlikely to exceed three. It would, I feel, be an excellent thing if His Majesty could see his way to issuing invitations to them.

9. I also hope that Dominion Prime Ministers will be invited, for it would be a great thing if we could get Nehru to come to London at such a time of national rejoicing. As I have been invited I could bring him with me in our York. He is an inveterate sentimentalist, and I feel it would greatly help to strengthen Anglo-Indian bonds if he went. It would also give him an opportunity of meeting the other Dominion Prime Ministers.

Yours sincerely,

MOUNTBATTEN OF BURMA

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Viceroy's Personal Report No. 16

L/PO/6/123: ff 224–41

TOP SECRET *8 August 1947*

AND PERSONAL

Although I presided over the Joint Defence and Partition Council meetings on Saturday, Monday, Tuesday and Wednesday and took the Pakistan Cabinet on

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Friday and the India Cabinet on the following Thursday, my main preoccupation outside these meetings has been the States problems. This Report, therefore, is inevitably largely concerned with these. I might point out that both Patel and I have been accused in the more extreme Congress Press of proposing terms which were far too favourable to the States; which encourages me to feel that I have faithfully discharged my duties as Crown Representative.

2. I had a satisfactory meeting with the Khan of Kalat on the 4th August[1] and with his Wazir and legal advisers. Towards the end of the meeting, I brought in Jinnah and Liaquat, who had arrived for a Partition Council meeting, and I got all parties to agree to the issue of a press communiqué[2] setting out the latest position on the negotiations between Pakistan and Kalat; but Jinnah and the Khan are still haggling over the precise wording.[3]

3. Immediately after this meeting, Jinnah told me that the Khan of Kalat would not have been so difficult if "the other side" were not encouraging him to make difficulties for Pakistan. Whatever the truth of Jinnah's allegation, I think there is little doubt that he himself has been guilty of bringing grossly improper pressure to bear on the States with Muslim rulers who are geographically linked with the Dominion of India, i.e. Hyderabad, Bhopal and Rampur.

4. On the 5th August, the Nawab of Rampur came to see me with his Chief Minister, Zaidi.[4] They arrived in a very harassed condition having driven through rioting mobs in Rampur to appeal to me for help. The Nawab is an old friend with whom I have stayed twice in the last four years, and he told me that Jinnah had been bringing every possible pressure to bear on him personally to stop him from acceding to the Dominion of India. Zaidi even gave a categorical account of a meeting with Liaquat and other Muslim Leaguers at which grave threats were uttered as to what would happen to Rampur if he deserted Pakistan and joined India. Zaidi had replied that if the League could arrange to have Rampur transferred to the Pakistan area, they would gladly join Pakistan; otherwise they had no option but to join India. Liaquat was adamant, whereupon Zaidi asked him specifically how Pakistan would help Rampur if it came to a showdown with India. The reply was "by moral support". Zaidi said this was insufficient, and that he had no choice but to advise his Ruler to join India.

5. They have now carried out their threats and the League organisations in Rampur have staged riots which have become serious, several Government buildings having been set on fire and the servant of an Inspector of Police having been burnt alive. I immediately despatched 300 of my Crown Representative's Police and half a battalion of troops.

[1] No. 330. [2] *Ibid.*, Appendix 'A'. [3] See Nos. 351, 360 and 375.
[4] No record of this meeting has been traced.

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6. The only satisfactory part about this sordid story is that Patel entirely endorsed my action and told the Nawab that after the 15th August the States' Department would continue to help the States in this manner. Patel has now decided to take over the whole of my Police as a Federal Police Force for the Dominion as a whole and for loan to any Ruler who requires internal help.

7. Bhopal is still giving me a lot of trouble. I suppose I have spent more time on Bhopal's case than on all the other States put together, because he is such a charming and high principled man that it would be a tragedy if he were to wreck his State by failing to come in now. His Adviser, Zafrullah Khan, told Ismay yesterday that the Nawab had been really badly shaken for the first time by the 2½ hour conversation[5] I had had with him the day before, and he was now seriously considering acceding after all.

8. His Highness threatened to abdicate in favour of his 23-year-old daughter; but I told him that I considered this would be a cowardly act and unfair to his daughter, and that he must stay for at least a year. The Nawab is thinking of taking service in Pakistan, presumably as a Governor and possibly as an eventual successor to Jinnah as Governor-General. I do not feel, however, that I can allow him to abdicate if I can possibly avoid this, since it would look as though I was bringing undue pressure to bear on him, which is far from being the case as he himself is the first to admit.

9. In paragraphs 49 to 51 of my last Report,[6] I told the story of the Maharaja of Indore's behaviour when I sent down six brother Mahratta Princes to ask him to come and see me. Indore eventually arrived five days later, on Monday afternoon, to see me,[7] and gave as his excuse for the delay that he had been ill. He brought with him (or, to be more accurate, was brought by) the Nawab of Bhopal. I had my Conference Secretary present to record the meeting and informed His Highness that I proposed to send a report of this meeting to His Majesty, the Prime Minister and the Secretary of State, since I considered that he had shown a lamentable lack of sense of responsibility towards his people, quite apart from the discourtesy shown to the Crown Representative.

10. I pointed out that all the Princes with the sole exception of himself had been in close consultation with me and the States' Departments in connection with discussions on the Instrument of Accession and Standstill Agreement. I said that even States like Hyderabad, Bhopal and Kashmir, who were in a quandary because the Ruler and Government are of the opposite community to the majority of the people, had come or sent their Prime Ministers. The only reason that I had made a special effort in the case of Indore was that I felt sorry for the people of Indore whose interests do not seem to have been looked after in this connection at all.

11. I made it very clear to the Maharaja that I had not the least intention of

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coercing him or hurrying him in any way and that it was a matter of indifference to me whether such an irresponsible Ruler acceded or not. I told him he was free to do exactly as he wished.

12. The Maharaja made a number of extremely lame excuses and handed me a long letter containing a large number of extracts from Hansard, which had evidently been prepared by Bhopal. I went through his letter paragraph by paragraph in the presence of both of them, and was able to demonstrate to their own satisfaction that nothing which has been said in either House conflicts with the policy which I am trying to carry out on behalf of the States.

13. The Maharaja was visible shaken, and has been trying to get various people to intercede on his behalf. Bhopal came the next day to see me, Zafrullah came to see Ismay, the Indore Chief Minister, Horton, to see Abell and the Deputy Prime Minister to see Menon; added to which the Maharaja himself has written[8] to Nehru. Everyone has given the same answer, that it is a matter of indifference to myself and to the Government of India what Indore does.

14. It seems pretty clear that if the Maharaja does not accede the people of Indore will rise against him and ask to join the Dominion of India. So that the interests of the people are not likely to suffer by their Ruler's ridiculous behaviour.

15. Hyderabad is still my biggest headache. I sent Walter Monckton down on Saturday to obtain the Nizam's agreement to the nomination of Pakwasa as Governor of the Central Provinces and Berar, to which the Nizam agreed. This position is thus fortunately legalised for the time being.

16. Monckton came back with Chhatari (the Prime Minister) and they reported[9] that although the Nizam himself was advancing towards the idea of a treaty on exactly the same terms as the Instrument of Accession, the Ittihad-ul-Muslimin, backed by Jinnah, were hardening in their attitude and bringing every pressure to bear on His Exalted Highness to prevent him from agreeing to a treaty. I made it clear to them both that the Dominion of India would not accept a treaty and would insist on accession. Monckton thought that once the Nizam got as far as accepting the idea of a treaty, he could be induced to take the extra step and accept accession. What he did point out was that time was too short not only to bring about this attitude of mind in the Nizam by the 15th August, but to give adequate opportunity for preparations in the way of propaganda and other steps to meet the trouble which the Muslim organisations would make in the State.

[5] cf. No. 366 and its note 1. [6] No. 302. [7] See No. 335.
[8] No. 356. [9] cf. No. 329.

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17. Although only 15 per cent of the population is Muslim, practically the whole of the Government, Army and Police are Muslims. Thus, if the Nizam were to try and join Pakistan and the 85 per cent Hindus rose, he would have no difficulty in putting down a revolution. But if he joins India before all the necessary steps have been taken he will have a rebellion from the Muslims without any means of putting it down.

18. I gathered Patel did not feel he would be able to get Congress to agree to granting an extension to the Nizam after the 15th August to accede on the same terms. But I pleaded the Nizam's case at the India Cabinet meeting, which I took yesterday morning, and pointed out that unless they authorised me to continue to handle the negotiations with Hyderabad on the basis of the present terms with an extended date, they would have such trouble in Central India as to threaten the whole stability of the new Dominion. I offered my services (although I shall no longer be Crown Representative) to continue these negotiations in the manner I thought best, and to my great surprise and relief the Cabinet unanimously gave me the necessary authority. So that immediate danger appears to have been staved off.

19. In my last week's Report[10] I gave an account in paragraphs 25 to 33 of the conversations which resulted in the decision that Gandhi should visit Kashmir. Before he went I asked him particularly to refrain from any speeches or political action which might prove embarrassing. I am glad to say that he lived up to this request. He did not even hold, during his visit, his daily prayer meeting followed by a speech which is a part of his normal routine. It was only on his return journey, at Rawalpindi, that he made a statement. This is comparatively harmless, and he has been good enough to give Kashmir (or rather the "will of the people of Kashmir" as he says) the choice of joining either Dominion. He is now off to Noakhali. I can only hope that his presence there will not result in disturbances. But of this Burrows is not too sure.

20. Gandhi's absence from the celebrations in Delhi on the 15th August is, of course, intentional. He has never given the 3rd June plan his unqualified blessing and his position might be difficult. He also realises that it would not be possible to fit him into the programme in the way to which he would feel himself entitled. Arrangements for these celebrations are going well; and I think that they will be worthy of the occasion.

21. Gandhi has announced his decision to spend the rest of his life in Pakistan looking after the minorities. This will infuriate Jinnah, but will be a great relief to Congress for, as I have said before, his influence is largely negative or even destructive and directed against the only man who has his feet firmly on the ground, Vallabhbhai Patel.

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22. The astrologers are being rather tiresome since both the 13th and 15th have been declared inauspicious days, whereas the 14th is auspicious. I was not warned that I ought to consult the astrologers before fixing the day for the transfer of power, but luckily this has been got over by the Constituent Assembly deciding to meet before midnight on the auspicious 14th and take over power as midnight strikes which is apparently still an auspicious moment.

23. They then proposed to send a delegation to Viceroy's House (which a few minutes previously will have become Government House) to invite me to accept the Governor-Generalship of India. The fact that the King will already have legally appointed me had been overlooked, but a formula has been found to overcome this and I gather the resolution will merely be to endorse what has already been done.[11]

24. One or two of the more superstitious members of the Cabinet wished to have all the ceremony done at midnight in the Durbar Hall, but as, fortunately, the older members of the Cabinet usually go to bed at 9 o'clock, Sleep won the swearing-in battle over Superstitition; and we are now going to have the swearing-in ceremony in the presence of 500 people at 8.30 on the morning of the 15th, after which we will all proceed to the Constituent Assembly which I am to address in their new capacity as the Legislative Assembly for India.

25. It has been very difficult to find a Governor for East Bengal, owing to both Killearn and Rowlands turning down Jinnah's invitation. But Bourne, the Governor of the Central Provinces, in a very public-spirited way, responded to my personal appeal[12] to oblige Jinnah by taking over East Bengal temporarily on the 15th.

26. When I saw Mr. Pakwasa, Bourne's relief in the Central Provinces, yesterday, I asked if he would mind flying from Bombay to Nagpur on the 13th to enable Bourne to fly to Dacca on the 14th. He regretted that the astrologers would not permit him to undertake any journey on the 13th, so is now going to fly to Nagpur on the 12th for turnover discussions with Bourne, and fly back that evening to Bombay, and then fly over on the 14th again to Nagpur, thus spending the inauspicious day at home.

27. The Meetings of the Joint Defence Council and the Partition Council on Monday 4th August, went off well owing to the excellent preparatory work of the Steering Committee. There were ten items on the Agenda of the former, and three on the Agenda of the latter; the Meetings took 18 minutes and 11 minutes respectively. One of the papers for the Partition Council Meeting consisted of 226 pages, some of which were huge brief sheets stuck together.

[10] No. 302. [11] cf. Nos. 308 and 323. [12] See No. 357 and its note 3.

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After this meeting I came to the conclusion that the longer the papers and the larger the agenda the quicker the Meetings go. But this belief was shattered on the following two days; the meetings lasted nearly three hours on each day.

28. I got the Partition Council to agree to issue a statement on refugees. I attach a copy of this at Appendix I, in case it has not been reported in the British Press. I think that it is eminently satisfactory. I cannot believe that either Government will try to wriggle out of these pledges which they have made in statements issued by the Partition Council. The problem of refugees is a very serious one which has perhaps so far not received the attention which it deserves.

29. I have previously reported[13] to the Secretary of State that the Indian leaders agreed that the Union Jack should be flown together with the Dominion flag on public buildings on certain days of the year. I now attach as Appendix II a list of the agreed dates. This list, when it came up for discussion at the Partition Council meeting, included Anzac Day. The reason for the deletion of this day, which I and my staff did not previously spot, is of course that it commemorates a victory over the Turks, a Muslim nation whom Pakistan naturally does not want to embarrass in any way. I also originally had "Empire Day" down against 24th May. There was unanimous feeling among all the leaders that this was an unfortunate expression so far as India is concerned, but they would accept the date if the title were changed to "Commonwealth Day". I had put down the 15th August as Indpendence Day for India and Pakistan; but Nehru wrote pointing out that this was the least suitable day in the year to fly the Union Jack. Liaquat suggested that each Dominion might fly the flag of the sister dominion on this day. Congress would not give an immediate agreement, but undertook to consider the matter in the summer of 1948.

30. Another matter which I cleared with the Partition Council was that Princes might continue to be awarded the Star of India, be granted military ranks and be appointed Honorary Aides-de-Camp to the King. So many Princes made a point of this that I used it as an added attraction to join one of the two Dominions. An extract of the minutes concerned is attached as Appendix III.

31. At Tuesday's and Wednesday's meeting[14] of the Partition Council we considered a draft Order dealing with the provisional allocation between the two Dominions of the rights, property and liabilities of the Governor-General in Council. The final allocation of rights, property and liabilities will be made, either by agreement between the two new Dominions on the basis of decisions already reached in Council, or by an award of the Arbitral Tribunal. But this final allocation will take time, and on August 15th there must be some interim

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arrangement in force to avoid chaos. It is over this interim arrangement that a deadlock was reached just before the departure of Jinnah and Liaquat for Karachi.

32. The draft Order is being telegraphed to the Secretary of State. It embodies the following provisional scheme:—

(a) Immovable property and goods, equipment, and stores to vest in the Dominion in which they are situated.

(b) Bank balances and securities to be held jointly.

(c) Contracts exclusively referable to Pakistan to devolve upon Pakistan. Other contracts to devolve upon India.

(d) National debt to devolve upon India.

(e) Liability for actionable wrongs other than breach of contract to devolve according to the place where the cause of action arose.

33. The Order also provides for making the appropriate Dominion a party to pending proceedings. It includes corresponding provisions for each of the divided Provinces. The Order is expressly stated to be without prejudice to the final allocation.

34. It is not disputed by either side that a holding Order is essential. Without it, responsibility for public debt would be in doubt with disastrous effects upon credit, existing Government contracts would come to an end, and nobody would have authority to deal with Government property.

35. I am confident that if only the Steering Committee had raised this issue in time, I could have got agreement from both sides on the terms of the Order. As it is, the terms of the proposed draft have been agreed by India, but it was impossible at the last two meetings of the Partition Council before 15th August to obtain the agreement of Pakistan. They have two objections:—

(a) They think that the provisional vesting of real and personal property should be a joint vesting in both Dominions. I am satisfied that this would cause considerable administrative inconvenience in the management of property without any material advantage to Pakistan.

(b) Their more serious objection is to the proposal that India should take over liability for the whole national debt. Under such an arrangement Pakistan would become debtor of the Dominion of India for Pakistan's proportionate share of the whole debt. Pakistan advisers feel that this would put them in a weak bargaining position in any dispute about the ultimate distribution of assets, and in particular would weaken their claims on the existing cash balances of the Government of India. They

[13] cf. No. 162, para. 27.

[14] See No. 344 and its note 1; see also Nos. 354, 355 and 369, Item 4.

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also suggest that the proposal amounts to a reflection on the credit of Pakistan.

36. I am myself satisfied that arguments of commonsense and convenience are overwhelmingly in favour of India's taking over sole liability for the national debt.

37. I therefore propose, subject to concurrence of the Secretary of State when he has received my telegram giving the draft Order, to make an Order in my discretion in terms of the draft. But I am anxious, if possible, to convince Jinnah that this is the right course. I think it may be possible to carry him with me when I go to Karachi on two conditions. The first is that he is satisfied that reasonable terms will be arranged for the repayment by Pakistan to India of a sum representing Pakistan's share of the national debt. I hope to be able to bring this about. The second is that India should agree to allocate to Pakistan a reasonable share of the existing cash balances in order to tide Pakistan over its initial financial difficulties. At the moment, India has agreed to allocate 20 crores only and if this sum is not increased the matter will go to the Arbitral Tribunal. I am proposing to approach Sardar Patel in an effort to get this sum increased by agreement to a figure acceptable to Pakistan.

38. While I feel certain that the scheme I propose is the best, I am anxious as Governor-General Designate of India not to be thought to have favoured the interests of that Dominion. It is for this reason that I attach particular importance to being able to say that the Order has the authority of the Secretary of State as an impartial judge.

39. It has not yet been decided who is to be Chairman of the Partition Council after the transfer of power. I have made it quite clear that I am not a volunteer for this job, and this position has been accepted. I obtained the agreement of both parties to the name of Sir George Spence,[15] but unfortunately he, who has been doing most exellent work in the Reforms Secretariat since he ceased to be Secretary of the Legislative Department, is now a sick man, and has got to return home straight away. It is now left to the members of the Partition Council to choose their own Chairman. I hope that they will be able to come to some decision on this, as there is no doubt that, at meetings such as these, an independent Chairman can do an enormous amount of good in keeping discussion on the right lines.

40. At the Joint Defence Council Meeting on 6th August, it was decided that the Auxiliary Force (India) should be abolished. This is a pity in a way, as there is no doubt that this force has done much good in the past. It consists, of course, entirely of Europeans and Anglo-Indians. However, the Political leaders were all set on its disbandment and their opinion was supported by

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Auchinleck. It is to be hoped that some type of territorial force will be set up in its place. I am going to write a letter to the Colonels of all the Regiments involved explaining the reasons for the decision and thanking them for what they have done.

41. At the last Joint Defence Council meeting, Ismay made a verbal statement[16] on the conversations which he had had in London with the Chiefs of Staff, and said that their view was that the sooner meetings could be arranged in India the better. He emphasised particularly that the arrangements reached between representatives of the United Kingdom Chiefs of Staff and representatives of the two new Dominions would be less binding than formal treaties in so far as there is no compulsion on members of the Commonwealth to enter a war together. The Joint Defence Council decided that the Mission sent out by the Chiefs of Staff should negotiate with it in the first instance in Delhi. As I shall continue to be Chairman of the Joint Defence Council after 15th August, I shall hope to be able to regulate these discussions and trust that the desired objects will be achieved.

42. In my last week's Report[17] (paragraphs 12 to 16) I explained the difficulty which had arisen in regard to the division of the R.I.A.F. and the compromise solution which I put forward. I am glad to say that this solution, namely the establishment of a ninth fighter squadron out of the reserves and the allocation thereof to Pakistan has been found workable (as instructed) and was accepted by the Joint Defence Council.

43. I have been discussing the defence of the North West Frontier with Messervy, who is going to be Commander in Chief of the Pakistan Army. He has now sent me a most disturbing paper on the probable military situation in Pakistan immediately after 15th August. He points out that the total number of battalions available will be reduced from the present figure of 67 (which includes 5 British battalions) to 35. A number of these, moreover, will initially be at half strength owing to the removal of their Hindu/Sikh companies without Muslim companies being available in replacement. Messervy suggested the following steps to mitigate the immediate danger:—

(a) that the Pakistan Government should make a statement, appealing to the tribes to remain peaceful and orderly until new agreements can be made and assuring them of no reduction in their allowances;

(b) that the Pakistan Government should make it clear to Afghanistan that there is no question of any readjustment of the boundary now or in the future;

[15] cf. No. 359, para. 3.
[16] No. 352, Case No. J.D.C. 47/7/47.
[17] No. 302.

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(c) that the Civil Armed Forces on the Frontier should be increased in strength; and

(d) that up to 10,000 demobilised Punjabi Mussalmen and Pathan infantrymen should be re-enlisted for the Regular Army as soon as possible.

I considered that, as I am at the moment still responsible for the situation on the Frontier, I should bring these facts to the notice of Jinnah. I am accordingly sending him a bowdlerised version of Messervy's paper. There is no doubt but that it is impossible to avoid a very considerable risk on the Frontier during the period immediately after the transfer of power.

44. Recently I have been very worried about the attitude of Congress in general, and Baldev Singh, in particular, towards Auchinleck.[18] They had got it firmly into their heads that he had become definitely anti-Congress and it almost reached a point at which they were going to refuse to have him as Supreme Commander on the 15th. Auchinleck, for his part, told me that Baldev Singh was so impossible that he could scarcely carry on with him and was prepared to resign if it would help me. The position was therefore very delicate.

45. I pointed out to Nehru[19] that Auchinleck had only a few weeks ago been strongly criticised by Jinnah and Liaquat as being anti-League, and further that he had also been subjected to a good deal of criticism by his own countrymen on the grounds of his alleged partiality towards the Indians as a whole at the expense of the British officers. I added that I was absolutely positive of Auchinleck's integrity and military competence, but I confessed that he seemed to me lacking in political sense.

46. I got the invaluable Trivedi down from Orissa, and he and Ismay at once put their heads together to try to bring about a rapprochement. Trivedi saw Nehru and Patel and impressed Auchinleck's sterling qualities on them; while Ismay was going to try to persuade Baldev Singh to talk it out in a friendly way with Auchinleck. However, the former surprised him by saying that he had, on his own initiative, been to see Auchinleck that very afternoon and that he told him that he was extremely sorry if he was responsible for the present state of their relationship; further that he admired Auchinleck very much and that he would have no wish to be Defence Member unless he felt that he had his (Auchinleck's) confidence. Apparently, Auchinleck was very touched by this generous approach, and everything in the garden is now lovely, until the next storm flattens the flowers out again.

47. The trouble is that I had already told Nehru that Baldev Singh was not a very good Defence Member and ought not to have that portfolio in the new Cabinet. As a result I heard privately from V. P. Menon that Shyama Prasad

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Mukerji was likely to be appointed Defence Member and that Baldev Singh was to have another portfolio.

48. It is of course admirable that they should have got an important member of the Hindu Mahasabha to join the Government, and Mukerji is an intelligent man (whom they wanted to remove from Bengal); but Burrows, who knows him well, described him to me recently as being so low that a snake could not crawl under his belly. I therefore felt that this would be going out of the frying pan into the fire and, fortified by the reconciliation between Auchinleck and Baldev Singh, I had no hesitation in eating my words about the latter. It now appears certain that Baldev Singh will be Defence Member. He seems slow in the uptake, but he has had a hard row to hoe, and I am inclined to think that he means well.

49. Nehru has now sent me his proposed list of Cabinet Ministers. I attach a copy of this as Appendix IV.[20] He has taken my advice (which I outlined in paragraphs 36 to 39 of my last Report)[21] so far as new members of the Cabinet are concerned, having changed four of them since I spoke. I understand that Gandhi has written to Maulana Azad asking him as a gesture to Congress to make way for a younger man; but the old Maulana has not yet taken the hint and they cannot drop him until he does. Gandhi's secretary, Rajkumari Amrit Kaur is a delightful person, included at Gandhi's insistence. She is earmarked for Health. She admits she knows nothing about health, and I rather doubt her competence as a Minister. But she is a great friend of my wife's and has written asking if she may lean on her. The full allocation of portfolios has not yet been decided; but Nehru says that he does not intend to make any change among the eight members of the existing Cabinet who will continue in office.

50. Of the new members, Sir Shanmukham Chetty is a man of great administrative experience and was until recently President of the Tariff Board. I did not expect Ambedkar would find a place and his selection has given me great satisfaction. Gadgil is a Congressman and a student of economics, and people think highly of his abilities. Rafi Ahmad Kidwai is now a Minister in the United Provinces.

51. The Cabinet is still far from being an ideal selection but the requirements of party politics could not entirely be done away with. On the whole, it must be conceded that Congress have been very generous and have included as large a proportion of non-Congressmen as one could possibly expect. Sir Shanmukham Chetty in particular has been a bitter critic of the Congress for a long time. He will probably hold charge of the portfolio of Finance.

[18] cf. No. 247. [19] See No. 270.
[20] Not printed. See No. 332. [21] No. 302.

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52. The appointments of Governors, which have been officially announced this week, have, on the whole, been welcomed. The only exception to this is an attack by Sarat Chandra Bose (brother of the I.N.A. leader) on the appointment of Rajagopalachari as Governor of West Bengal, as "an insult to West Bengal and her people and indeed to all fighters for freedom in the country". This attack is mainly founded on the accusations that Rajagopalachari advocated at one time that Bengal and the Punjab should be "forsaken" on the ground that these two Provinces were obstacles in the way of the rest of India attaining independence; that his record as an administrator is bad; and that his record as a Congress-man during the war period was "miserable". On the other hand, I am delighted with this appointment; for I think he will make a much better Governor than a Minister.

53. I referred to the problem of the North-West Frontier Province in paragraphs 19 to 23 of my last Report.[22] Just before Jinnah left for Pakistan (in my aircraft) he and Liaquat asked me what I was doing about the N.W.F.P. Ministry, as they were getting very worried. I replied that I had referred the matter to London as I did not wish to act in an unconstitutional manner. Liaquat then told me that he had evidence that Khan Sahib intended to declare the independence of "Pathanistan" on the morning of the 15th if still in power;[23] but I have not heard any supporting evidence of this from any other source. I told them that I had it in mind to tell Lockhart to call on the Ministry to resign on the 11th and that if they failed to do so to dismiss them on the 12th. The new Governor, Cunningham (who was of course the Governor up to 1945) is seeing Jinnah in Karachi on the 11th, and me in Delhi on the 12th, and arrives at Peshawar on the evening of the 12th. He will be sworn-in on the morning of the 13th and his first act can be to form a new Ministry in accordance with Jinnah's instructions in anticipation of the transfer of power on the 15th August. This proposal has been telegraphed[24] to the Secretary of State for approval. Jinnah did not like this delay, but finally shrugged his shoulders and said "I am in your hands in this matter".

54. I wrote to Pandit Nehru three weeks ago, concerning the staff which I should retain after the transfer of power.[25] It is only now that he has given me a definite reply. So far as my Personal Staff is concerned, he is happy that I should use my own discretion. He says, however, how glad he is that Ismay will be staying on. In my original letter I offered to move into a smaller house,[26] should it be considered that this would help politically. He has replied to the effect that such a move would certainly create a considerable impression in peoples' minds, and would be generally welcomed by them as an indication of the New Order. But he says that an immediate change-over would add to his difficulties rather than lessen them. He, therefore, wants me to continue to live in Viceroy's House—or rather "Government House" as it will be called

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after the 15th August. He has asked me whether I would be willing to put up Government guests and arrange government entertaining. I of course replied that I should be delighted to do this. (He evidently does not know that his own External Affairs Department already ring up freely when they want important travellers put up and entertained.)

55. Both the India and Pakistan Cabinets have, during the course of the week, reconsidered the suggestion (referred to in paragraph 18 of my last Report)[27] that the Indian contingent should not be withdrawn from Japan until after the Peace Treaty is signed. They both came to the conclusion that they would after all adhere to the original Cabinet decision on this matter, and that the contingent should be withdrawn straight away. I regret this decision in so far as the international prestige of the two new Dominions is concerned, though it will be administratively far more convenient. The leaders were clearly influenced by Auchinleck's suggestion that there might be trouble within the contingent if it stayed on, after having been informed it was to be withdrawn shortly to be partitioned.

56. Returns so far received show that 614 officers and 145 other ranks of the British personnel in the Indian Army have volunteered to stay, and that 199 officers and 11 other ranks have declined. These figures are better than I personally had expected.

57. My 'titbit' this week comes from London where *The Times* of the 29th July announced:

VICEROY VISITS CALCUTTA
MEETING WITH PETITITON COUNCIL

58. Since dictating this report, this morning, a letter[28] has come from the Prime Minister of Jodhpur, Venkatachar (an I.C.S. man from the U.P.) saying that no sooner had the young Maharaja of Jodhpur assured me at the Princes' luncheon that he intended to accede to the Dominion of India than the Dholpur group persuaded him not to join the Union. Jodhpur was taken to see Jinnah in the presence of Bhopal and Zafrullah. Jinnah offered Jodhpur the use of Karachi as a free port; the free import of arms; jurisdiction over the Jodphur–Hyderabad (Sind) railway; and a supply of grain to famine threatened districts, on condition that Jodhpur would declare its independence on August 15th and then join Pakistan.

59. A family Council, attended by some headmen, was held on the 5th August, where the majority were against joining Pakistan. The Maharaja still thinks Jinnah's offer the best and has wired to Bhopal saying that at his

[22] *Ibid.* [23] See No. 374.
[24] *Ibid.* [25] cf. No. 162, para. 20. [26] cf. *ibid.*, para. 22. [27] No. 302.
[28] Not traced.

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end the situation is satisfactory and that he will meet Bhopal in Delhi on the 11th. On the 7th August he left for Baroda to try and persuade the Gaekwar not to sign the Instrument of Accession. Meanwhile Bhopal is making attempts to prevent Jaipur and Cutch and Udaipur from signing the Instrument. I saw the Maharaj Kumar of Cutch this morning, and in return for certain assurances he has undertaken to sign the Instrument of Accession on behalf of his father, who had somewhat lightheartedly left for a visit to England on the day of my meeting with the Rulers in Delhi on the 25th July. What irresponsible people some of these Rulers are!

60. I have sent a telegram[29] to the Maharaja of Jodhpur saying that I wish to see him at once. But what disturbs me most is that Bhopal should apparently be behaving as a friend to my face whilst engineering a break-up of my scheme behind my back. I shall confront him with this when he comes to Delhi.

M. OF B.

Midnight Stop Press

Jinnah has just telephoned his flat refusal to agree to the proposals in paragraphs 31 to 38, so my Constitutional Draftsman, Cooke, and the Pakistan Cabinet Secretary, Mohamad Ali, are flying down to Karachi tomorrow morning to try and convince Jinnah that unless he agrees an economic war may start which would be disastrous to Pakistan.

Appendix I to No. 385

STATEMENT BY PARTITION COUNCIL

At their Meeting on Wednesday, 6th August,[30] the Partition Council considered the problem of Refugees.

As is well known, a large number of Muslims and non-Muslims have migrated from their homes in consequence of communal disturbances. Most of the Muslim refugees are from Bihar and Eastern Punjab; and most of the non-Muslims from Bengal, the North-West Frontier Province and Western Punjab.

Apart from those who have actually migrated, there is a considerable number of people in all these areas who have been rendered destitute, and are living in camps organised by Provincial Governments and charitable organisations.

The Members of the Partition Council, representing the future Governments of India and Pakistan, have decided to take the following action with a view to arresting further exodus of refugees and to encouraging the return of those who have already left.

(1) The two Governments have decided to retain the refugee camps for Muslims in India and for non-Muslims in Pakistan, and themselves to undertake responsibility for the purpose of both administration and finance.

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(2) Arrangements will be made to enable officers of the two Governments to visit the affected areas and the refugees in the two Dominions, and to discuss from time to time with local officers, matters relating to any problem of relief and rehabilitation that may be evolved.

(3) In view of the fact that no arrangements have so far been made for the management of refugees' property, and because, so long as the local population and the majority community in villages and towns maintain a hostile attitude, the refugees will be unable to return and look after their property, the two Governments have decided to appoint managers, at a suitable level, for the administration of refugees' property in the various areas. The expenses of these managers will be paid out of the proceeds of the properties which they are appointed to look after.

(4) They have further decided that Provincial Governments should be asked to set up machinery, where this has not already been done, for the assessment of damage to both movable and immovable property of the minorities; and to consider what grant of relief or compensation should be given to those who have suffered.

(5) The two Governments have also decided on the following steps, designed to restore confidence among the minorities:—

(a) Speedy investigation of cases and prosecution of offenders.

(b) Village officials, e.g., Zaildars, Safaid Poshis, Lambardars and local officials such as Tehsildars and Sub-Inspectors of Police will be made personally responsible for the safety and protection of minorities resident in their respective areas.

(c) Every effort will be made to persuade shop keepers, traders, professional people such as lawyers, doctors, etc., to remain and carry on their businesses.

(6) Rehabilitation measures will be initiated by the two Governments so as to encourage the return of refugees and evacuees to their respective homes.

Appendix II to No. 385

PROPOSED DATES ON WHICH THE UNION JACK WILL BE FLOWN ON PUBLIC BUILDINGS

1st January	Army Day (India)
1st April	Air Force Day (India)
24th May	Commonwealth Day
12th June (May be varied)	King's Official Birthday

[29] No. 3271-S of 8 August, sent *via* the Resident in Rajputana. R/3/1/139: f 186.

[30] See Mountbatten Papers, Partition Council Minutes, 6 August 1947, Case No. P.C. 149/16/47.

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14th June	United Nations Flag Day
4th August	Queen's Birthday
7th November	Navy Day (India)
11th November (May be varied)	Remembrance Day for both World Wars.

Optional on other Dominion days, particularly those who have High Commissioners in Delhi or Karachi. These are:—

26th January	Foundation Day, Australia
31st May	Union Day, South Africa
1st July	Dominion Day, Canada
24th September	Dominion Day, New Zealand

Appendix III to No. 385

EXTRACT FROM MINUTES OF A MEETING OF THE PARTITION COUNCIL HELD ON WEDNESDAY 6TH AUGUST, 1947[31]

His Excellency recalled that both Mr Jinnah, on behalf of the future Government of Pakistan, and Pandit Nehru and Sardar Patel, on behalf of the future Government of India, had agreed to the suggestion that, in States which acceded to one or other Dominion, the Princes, and those whom they recommended, might continue to receive decorations from His Majesty. His Excellency proposed that the Order of the Indian Empire should no longer be used for this purpose, but that the Order of the Star of India, (to which, both in name and design, there were no political objections), should continue to be awarded. His Excellency also proposed that Princes should continue to be allowed to hold Honorary ranks and to become Honorary Aides de Camp to the King. He explained that these proposals would not involve any undue increase in the number to whom honours would be given. It would normally be on the death of a present holder or on the expiry of his time as an Honorary A.D.C. that a new award would be made. Both Mr Jinnah, on behalf of the future Government of Pakistan, and Sardar Patel, on behalf of the future Government of India, agreed with His Excellency's suggestions set out above, which he undertook to convey to His Majesty the King.

[31] See No. 353, Case No. P.C. 146/16/47.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/E/9/1514: ff 177–8

IMMEDIATE INDIA OFFICE, *8 August 1947, 7.40 pm*
Received: 9 August, 10.30 am

No. 10280. Your telegram 3205–S of 6th August.[1] International position of new Dominions You will already have seen copy of Foreign Office telegram 2513[2] to New York which was repeated to you as No. 10242. United Kingdom Representative in New York now reports[3] that matter has been discussed with United Nations Secretariat who intend to act on view that new India will continue international personality of old India and will not themselves at any rate raise question of continued membership of India. They consider that Pakistan should apply for membership but do not think that it is essential that action in this sense should be taken before August 15th in view of provision under Rule 60 for waiving of time limits (precedent for this already exists in case of Siam).

2. In these circumstances United Kingdom Representative suggests that best course would be for Pakistan itself to apply as soon as it comes into existence. He does not favour idea that United Kingdom Delegation should apply on Pakistan's behalf, nor does he think that it would be regarded as very reasonable that Pakistan should put in application before it comes into existence. Moreover, Indian Delegation, who have been consulted informally, are inclined to fear that any such action taken by His Majesty's Government might conceivably prejudice Pakistan's chances as well as precipitate discussion of validity of their own representation.

3. We should be grateful if you could explain position to Mr. Liaquat Ali Khan and inform him that soundings we have taken lead us to think that best course would be for Pakistan itself to submit application on 15th August. This application should, of course, be sent by telegram to Secretary-General and should include declaration of readiness to accept obligations contained in the Charter.[4]

[1] No. 362. [2] No. 371. [3] Tel. 2152 of 7 August. L/E/9/1514: f 179.
[4] Lord Mountbatten replied in tel. 3310–S of 10 August that he had advised Mr Liaquat Ali Khan and the United Kingdom High Commissioners for India and Pakistan accordingly. L/E/9/1514: f 174.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/8/660: ff 12–15

MOST IMMEDIATE INDIA OFFICE, *8 August 1947, 8.30 pm*
Received: 9 August, 1.00 am

No. 10278. Your telegrams Nos. 3170,[1] 3171[2] and 3172[3] of 5th August and No. 3265[4] of 8th August. North West Frontier Province. I have considered two alternatives given in paragraph 2 of your telegram No. 3170. With regard to (1) present position as I understand it is that Ministry have suffered no defeat in Legislature and still retain confidence of majority of its members; and that although Governor may have very good reason to believe that Legislature as at present constituted no longer represents majority of electorate general election is ruled out for security reasons. Dismissal of Ministry in these circumstances with no choice of dissolution would be unconstitutional, particularly in view of injunction in Governor's Instrument of Instructions to appoint as Ministers those best in position to command confidence of Legislature.

2. As regards second alternative Governor does not appear to consider that present situation in Province, in respect either of law and order or of Ministry's position, is such that in words of Section 93 government of Province cannot be carried on in accordance with provisions of Act. Furthermore withdrawal of Section 93 régime as soon as Muslim League were installed in office would be evidence that resort to it had been merely a device.

3. Thus (subject to paragraph 6 below) both your alternatives would be unconstitutional, although of course either would be legal in the sense that it could not be challenged in courts.

4. On information before me I am not convinced that removal of present Ministry by us before 15th August however much desired by provisional Pakistan Government would really be wise particularly as it could be done only by unconstitutional action. Even though you could state that you had acted on advice of Pakistan Provisional Government and Mr. Jinnah, responsibility both legal and moral would be that of H.M.G. Governor evidently does not consider that disappearance of Ministry would necessarily bring about improvement in local situation on 15th August (see paragraphs 4 and 6 of his telegram repeated in your telegram No. 3172). Pressure for action to be taken before 15th August appears to come wholly from Muslim League High Command.

5. My inclination therefore would be to leave problem to be resolved after 15th August and accordingly without the intervention of yourself and H.M's

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Government. Resolving of the difficulty in a constitutional manner after 15th August might possibly involve urgent action by the Pakistan Constituent Assembly under Section 8(1) of Indian Independence Act so as to confer special powers on Governor of Province or on Governor-General of Dominion to deal with it. We have no information here as to what adaptations if any you have made or are making before 15th August or Jinnah contemplates on or after 15th August under Section 9 of the Indian Independence Act in relation to either Provincial Executive itself or relationship between Pakistan Central Executive and Provincial Executive. Accordingly we are not in a position to judge whether after 15th August any special action desired by Jinnah in relation to N.W.F.P. Executive could be taken constitutionally without bringing in his Constituent Assembly as suggested.

6. Of course if you or Governor were satisfied that information quoted in paragraph 2 of your telegram No. 3265 is correct the position would be different and you would I think be entitled to adopt course you propose in that telegram or to impose Section 93 regime. But have you any information confirming Liaquat Ali Khan's fears? He is very interested party and I do not think that we ought to accept his unsupported assertion regarding Khan Sahib's intentions, particularly as you in India presumably and we in Parliament certainly would have to justify our action by reference to our knowledge that Khan Sahib was about to declare independent Pathanistan.

7. Even if there appears to be fairly good ground for believing that Khan Sahib might take such a course, I am still not sure that action by you before 15th August is the wisest course. Cunningham will have taken over just before 15th August and if he believes that there is the slightest risk of such a step by Khan Sahib he could warn the latter that such action would be unconstitutional as being entirely outside powers of N.W.F.P. Government, and that if Khan Sahib made any attempt to issue any such a declaration without the Governor's approval it would be followed by instant dismissal of Khan Sahib and his Ministry.

8. Possibly a friendly warning to Khan Sahib at once by Lockhart on the lines of the preceding paragraph might be useful but as to the wisdom of that I must leave you to judge.

9. Cunningham has seen this telegram and fully agrees. Indeed he had independently come to much the same conclusion before the matter was discussed with him.

[1] No. 342.
[2] This telegram repeated Sir G. Spence's legal opinion in the Enclosure to No. 294.
[3] Repeating No. 327. [4] No. 374.

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10. I shall telegraph to Lockhart Cunningham's Commission as acting Governor from 12th–15th August.

11. I should be grateful for an urgent reply.

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The Nizam of Hyderabad to Sir W. Monckton

Monckton Trustees No. 30: f 35

PRIVATE HYDERABAD, DECCAN, 9 *August 1947*

My dear Sir Walter Monckton,

In the letter[1] addressed to His Excellency the Viceroy, which you are taking to Delhi tomorrow morning, I said that in case the Indian Dominion does not accept my offer (contained in the above letter) I shall be compelled to publish it, in order that the people inside and outside the country (even beyond the seas) may know how just and proper my offer was But on the second thought I consider it essential to publish this under all circumstances (which means whether it is accepted or rejected) under the fear that the Indian Dominion may say something detrimental to Hyderabad interests on the 14th August in their broadcast by simply hiding from the public what I said in my letter to His Excellency the Viceroy about my offer. So in view of all these things, I must publish this letter of mine by the 12th or 13th August at the latest in order to clear my position before the whole world. I trust you will tell His Excellency the Viceroy what I wrote to you in this letter.

Yours sincerely,

NIZAM VII

[1] No. 376.

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Minutes of Viceroy's Sixty Ninth Staff Meeting, Items 1 and 3

Mountbatten Papers

SECRET

Those present at this Meeting held at the Viceroy's House, New Delhi, on 9 August 1947 at 11.00 am were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Mr Christie, Mr I. D. Scott, Mr A. Campbell-Johnson, Lieutenant-Colonel Erskine Crum.

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Item 1

THE PUNJAB

It was stated that Sir Cyril Radcliffe would be ready by that evening to announce the award of the Punjab Boundary Commission. THE VICEROY recalled that he had asked for the award to be ready by 10th August.[1] However, it was now for reconsideration whether it would in fact be desirable to publish it straight away. Without question, the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result.

LORD ISMAY gave his opinion that it would be best to defer publication of the award until the 14th August.

SIR GEORGE ABELL said that he had already asked Sir Evan Jenkins for an opinion as to the best date for the announcement.[2] He pointed out that there were administrative advantages from early publication.

THE VICEROY emphasised the necessity for maintaining secrecy, not only on the terms of the award, but also on the fact that it would be ready that day.[3]

Reference was made to a telegram[4] from the Governor of the Punjab concerning the situation in the Boundary Area, which was described as most serious. Sir Evan Jenkins asked for Army reinforcements, if possible; for a Tactical Reconnaissance Squadron; for the release of 200 provisional additional Police at present lent to Delhi; and for the earliest possible advance information of the Boundary Commission's award.

LORD ISMAY said that he had spoken about the first three of these requests with the Commander-in-Chief that morning. As regards reinforcement troops, Field Marshal Auchinleck had already received a similar request from Major-General Rees, and was trying his best to raise these. He had pointed out, however, the necessity for the Units being mixed; and it was mixed Units which Pakistan were wanting for the North-West Frontier. Most of the other available troops were committed in other directions. Field Marshal Auchinleck

[1] See Nos. 200 and 209. [2] cf. No. 377.

[3] Mr A. Campbell-Johnson made the following record of this discussion: 'Various points of view about publication were put forward. On administrative grounds it was argued that earliest possible announcement would be of help to Jenkins and would enable last-minute troop movements to be made into the affected areas in advance of the transfer of power. Alternatively, it was suggested that in so far as the Award would in any case be bound to touch off trouble, the best date to release it would be on the 14th August. Mountbatten said that if he could exercise some discretion in the matter he would much prefer to postpone its appearance until after the Independence Day celebrations, feeling that the problem of its timing was really one of psychology, and that the controversy and grief that it was bound to arouse on both sides should not be allowed to mar Independence Day itself.' Alan Campbell-Johnson, *Mission with Mountbatten*, London, 1951, p. 152. An entry in Mr Christie's diary for 9 August reads as follows: 'Staff Meeting to-day concerned with Boundary Commission timing of announcement and precautions—George [Sir G. Abell] tells me H.E. is in a tired flap, & is having to be strenuously dissuaded from asking Radcliffe to alter his award.' MSS.EUR.D 718/3, Part 2. cf. Nos. 454 and 489, para. 11.

[4] No. 382.

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was fairly certain that the provision of some Tactical Reconnaissance aircraft was in hand; and he would expedite this.

LORD ISMAY said that he had also spoken to the Commander-in-Chief about the loyalty of Sikhs in the Army. Field Marshal Auchinleck had stated that there was a proportion of Sikhs in nearly all the Units in the Punjab Boundary Force. He was having the question of their loyalty examined.

THE VICEROY said that steps should be taken to ensure the loyalty of the Sikhs in the Governor-General's Bodyguard. Sir George Abell should see Major Massey and ask him to make it clear to the Bodyguard that he (The Viceroy) had had nothing to do with the award of the Boundary Commission; and to ensure that any members of the Bodyguard whose loyalty was doubtful, should not attend the August 15th parades.

THE VICEROY said that the award of the Boundary Commission should not be put out in a communiqué from Viceroy's House, but rather published as a Gazette Extraordinary.

HIS EXCELLENCY THE VICEROY:—

(i) directed P.S.V. further to discuss with the Governor of the Punjab the timing of the announcement of the Boundary Commission's award;

(ii) directed P.S.V. to arrange for the Boundary Commission's award, when published, to be contained in a Gazette Extraordinary;

(iii) directed P.S.V. to tell Major Massey to take the steps in connection with the Governor-General's Bodyguard detailed above.

Item 3

HYDERABAD

LORD ISMAY said that Sir Walter Monckton was returning to Delhi from Hyderabad the following day. He had telegraphed[5] to the effect that the situation was critical. THE VICEROY stated that, at a meeting on Thursday, 7th August, he had persuaded the India Cabinet to grant an extension to Hyderabad of the time limit by which they must accede.[6]

[5] Sir W. Monckton's telegram of 8 August simply stated: 'Could His Excellency please give me interview Sunday 10th 5.30. Walter Monckton.' Mr C. P. Scott conveyed Lord Mountbatten's reply on 9 August in the following manner: 'Following from H.E. Begins. Certainly. Am obtaining reprieve. Ends.' R/3/1/139: ff 196 and 197.

[6] cf. No. 385, para. 18.

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Sir W. Monckton to Mr W. Churchill, Lord Salisbury, Mr Eden and Mr R. A. Butler[1]

Monckton Trustees No. 30: ff 43–5

NIZAM'S GUEST HOUSE, NEW DELHI, *9 August 1947*

1. I am writing you this letter, because it may be difficult for me to get into touch with you hereafter. I am enclosing a letter,[2] which is a copy of one written by the Nizam of Hyderabad to the Crown Representative explaining the attitude of his State and making his offer of co-operation.

2. You will see from the terms of that letter references to statements made by His Majesty's Government making it clear that the States ought not to be hurried to a decision and that it might well be that some form of treaty relationship would be appropriate, at least for a time, until fuller information was available about the constitutions of the new Dominions and their mutual relations.

3. So far as the terms of the Instrument of Accession offered to States by the Dominion of India are concerned, they are, in my judgement, more favourable to the States than any hitherto offered to them. This is largely due to the personal efforts of the Viceroy. I have not failed to make my opinion on this matter clear to those Princes, both Moslem and Hindu, who have sought my advice. But the special circumstances of Hyderabad, which has had Moslem rule for something like seven centuries and the present dynasty for more than two, and yet has a large preponderance of Hindu subjects, are such that its problem is not whether the terms of the Instrument are more favourable than ever before, so much as whether it can or should accede at all at this stage. As you know, I have been closely concerned with this State for 15 years, and in the last 4 months during which I have been in India and mostly in Hyderabad. I have not been without reliable sources of information. In my considered judgement, if the Nizam were to decide to accede now, there would be an uprising and bloodshed on a large scale caused by his Moslem subjects who, would resent, as they would think, the southern bastion of the Moslem world in India being abandoned after all these centuries to the Hindus without a struggle. Nor can the Nizam contemplate such an uprising without anxious misgiving. His Government and his administration are largely in Moslem hands and the Army, a by no means negligible force, and his Police are largely

[1] The original of this letter is in type with the intended recipients inserted in pencil at the top. A pencilled note also indicates that it was not delivered, presumably as a result of Sir W. Monckton's interviews with Lord Mountbatten on 10 and 11 August. See Nos. 420 and 434; also No. 419.

[2] No. 376.

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Moslem. I can well understand it if, in these circumstances, he decides that, if he must reach a conclusion at this moment, he will not accede to the Dominion of India. Nevertheless, I hope, when you read the accompanying letter, you will think that he has made a reasonable offer of co-operation in full accord with the policy propounded in the recent debates in Parliament by His Majesty's Government.

4. It is not the case that Congress object in principle to a State remaining independent for some time after 15 August. They are ready to acquiesce in the independence of Kashmir, where there is a Hindu Maharajah and a predominantly Moslem population.

5. The reason for this letter is that I gravely apprehend that on and after the 15th August the Congress Government of the new Dominion intend to treat failure by Hyderabad to accede before that date as a hostile act and to apply all-out economic sanctions, including cutting Hyderabad communications with the outer world and even denying them social contacts. I have learnt myself that this is intended from the States Department of the new Government and of the likelihood of it from the Viceroy.[3] My fear that these threats of coercion and pressure will really be carried out has greatly increased as a result of information given to me by several Rulers who intend to accede and who, in the course of discussions, have shown me notes of interviews with representatives of the States Department and others, in the course of which the threats I have mentioned above were used and it was anticipated in terms that Hyderabad would be compelled to accede by these methods within one month.

6. I am sure that it is within the knowledge of the Viceroy that money was spent by Congress to subvert the Government of Travancore and that he anticipates that larger sums will be spent for the same purpose in Hyderabad.[4]

7. I shall remind the Viceroy of the pledges of His Majesty's Government to which I have referred and I shall ask him for assurances that these threats will not be put into effect while he is content to remain as Governor-General of the new Dominion. If these assurances are refused and the threats are carried out, I have means of communicating such an event to you.

8. I have been reading Ciano's Diary and I am bound to say that the present exhibition of power politics seems an exact replica of those in which Hitler and Mussolini indulged. I am going back to share the experiences of the Nizam and his Government who after all these years have become my friends as well as my clients and to render them such advice and assistance as lie in my power.

9. It may well be that you will not hear from me again upon this matter apart from a short message to let you know that the German tactic on the old European model has been adopted in India. But I rely on you in the name of

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our old friendship to see to it that if this shameful betrayal of our old friends and allies cannot be prevented, at least it does not go uncastigated before the conscience of the world.

[3] cf. No. 329. [4] cf. Nos. 288 and 434, para. 1.

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Mr Abbott to Sir G. Abell

Telegram, R/3/1/157: f 261

IMMEDIATE *9 August 1947, 12.00 pm*
CONFIDENTIAL *Received: 9 August, 2.00 pm*

No. 221-S. Your letter of August 8th.[1] Governor is taking law and order action on preliminary information given. He trusts final version will be very precise and will be related as far as possible to existing administrative units and boundaries. To enable us to arrange publicity and to make administrative arrangements he would like the document in final form 24 hours before its release e.g. if it could be flown U(sic) 10th evening it could be released 11th evening in New Delhi.

[1] No. 377.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: f 70

MOST IMMEDIATE *9 August 1947, 12.30 pm*
SECRET *Received: 9 August, 7.30 pm*

No. CA/167. Addressed Viceroy repeated Secretary of State.

I have had further consultation with Area Commander and Inspector-General of Police with reference to your recent telegrams.[1]

They are both gravely perturbed at prospect of dismissal at this particular juncture and foresee very serious and widespread disturbances. Area Commander is emphatic that owing to partition of troops movements of forces at his disposal are inadequate and some of doubtful temper.

Both consider that we shall be in better position in two months time when Cunningham will have had chance to exert his influence. We are going ahead

[1] See correspondence ending with Nos. 363 and 374.

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with preparations to act at once but in the circumstances I feel compelled to recommend delay and that you should ask Jinnah to urge patience on League.

My information is that any League repercussions to temporary retention of present Ministry would be less dangerous.

Dissolution might still save situation.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/165: f 66

MOST IMMEDIATE NEW DELHI, *9 August 1947, 1.00 pm*
SECRET *Received: 9 August, 3.20 pm*

No. 3284–S. Your 10278 of 8th August.[1]

I note your instruction that it would be unconstitutional to dismiss the Ministry. I propose to inform Jinnah that I have had this instruction from you and to ask him to discuss with Cunningham at Karachi what action should be taken about a change of Ministry on or after 15th August. I shall send a letter to Jinnah and make a copy available for Cunningham when he arrives at Karachi.

2. If possible please contact Cunningham and tell him the situation before he leaves.[2]

[1] No. 387.

[2] Lord Listowel replied in tel. 10439 of 9 August (repeated to Governor, N.W.F.P.) that tel. 3284–S had been received and Sir G. Cunningham informed. R/3/1/165: f 68.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Letters to and from Provincial Governors

SECRET GOVERNMENT HOUSE, PESHAWAR, *9 August 1947*

NO. GH–151

My dear Lord Mountbatten,

I am afraid this letter is a little late.

GENERAL SITUATION

2. The general situation remains much as it was when I saw[1] Your Excellency a week ago. Members of the Congress party organisations continue to make

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threatening and sometimes provocative speeches in public and to individuals. 'Pathanistan' is being vigorously advocated and the idea is, I think, proving attractive to many Pathans. Rumours and reports of continued activity by the Faqir of Ipi flow in daily. There is no doubt that Congress are in touch with him and that he may initiate some form of trouble, but probably not until after the Id. He has apparently had no success with the Mahsuds or Wana Wazirs and his efforts to create trouble seem likely to be confined to North Waziristan, although he has some following in the Bannu District.

3. There is a feeling of expectancy of impending changes amongst the tribes in general. Although it is considered that Mr Jinnah's announcement on 30th July,[2] that existing agreements and arrangements are to continue in force, will have a good effect, it is possible that the idea, held by some, that everyone will be free to do what he likes after 15th August may lead to some light-heartedness on the part of irresponsible elements after that date.

4. The revival of talks on the Kabul Radio and articles in the Afghan Press, after the recent lull, is also a disturbing feature.[3] It is I think significant that this revived interest coincided with a visit to Kabul of one Puri, the Peshawar correspondent of the Hindustan Times and the Deputy Speaker of the Province's Legislative Assembly. He is commonly supposed to be the main link here with Gandhi. In articles to the Hindustan Times from Kabul he has made the most of Afghan interest in Pathanistan. I cannot help feeling that his visit to Kabul at this particular time was not accidental.

5. I have seen Dr Khan Sahib several times since my return from New Delhi. On the first two occasions on which he visited me his manner was pre-occupied and somewhat downcast, although he said nothing to explain this. When however he came to see me on the 6th, after attending a meeting of Congress Party leaders at Abdul Ghaffar Khan's house on the fifth, his manner was most cheerful. He said 'it was a very nice meeting'. I signalled my report of my talk with him to Your Excellency that day.[4]

He still adheres to his intention not to resign. I will try again, in accordance with your instructions[5] to persuade him to do so, though I fear there is little chance of my success.

He has in recent talks seemed more inclined to co-operation with the Pakistan Government than he has done previously, although he still doesn't like the idea of a coalition. As I telegraphed to you he even said he would co-operate and accept Pakistan if Jinnah would agree to full Provincial autonomy and to placing no prohibition on political party programmes provided they are advocated and executed constitutionally.

However, I fear that though he himself may have some inclination towards

[1] See No. 278. [2] cf. Nos. 336 and 349. [3] See No. 321.
[4] No. 365. [5] See *ibid.*, note 4.

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the constitutional conduct of the political differences between his party and the League, the Congress Party here as a whole are determined to fight for power with any means at their disposal, and have their plans ready.

6. The Muslim League are aware of all the Congress activities and are reported to be preparing to deal with any action the latter may take. They are as insistent as ever that Dr Khan Sahib's Ministry must go before the 15th August. I, and the officials I have consulted here, would prefer that the Pakistan Government should take the necessary action to do this.[6] I can see the argument against it, i.e., that it would be hard on the Pakistan Government to have as its first act to dismiss the present Ministry and face the probable ensuing trouble. On the other hand it can be said that it is the Pakistan Government, by its insistence on not dissolving the Legislative Assembly, that has led to the present situation, where Dr Khan Sahib refuses to resign.

7. There are dissensions amongst the local League leaders. Some disapprove of the appointment of a British Governor, some are disappointed with Jinnah's choice of Ministers for the League Ministry here and some are annoyed because Jinnah said he could not establish 'Shariat' law. (I understand that Mr Jinnah has selected Abdul Qaiyum, Habibullah Khan of Lakki Marwat in the Bannu District and Abhas Khan of Hazara as Ministers).

There is I think little doubt that the League will deal firmly with their opponents and I am concerned as to how one can protect the present Ministers from bad treatment.

* * *

[6] cf. No. 392.

395

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 258–9

SECRET EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
9 August 1947

Dear Lord Mountbatten,

Mr. A. N. Khosla, Chairman, Central Waterways, Irrigation and Navigation Commission, has sent me a note about the canal system in the Punjab. As he has been chiefly concerned with this system and knows all about it, I take it that his views have a certain value and importance. I am, therefore, sending this

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note to you. If you feel that this might be sent on to Sir Cyril Radcliffe, perhaps this might be done.

Yours sincerely,
JAWAHARLAL NEHRU

Enclosure to No. 395

SECRET

It is gathered that at the luncheon at Simla Sir Cyril Radcliffe suggested to the four Judges the desirability of recommending joint control of the canal system and electricity (presumably over the areas where this distribution is common to Pakistan and India). It is gathered that one or two of the Judges said that this did not form part of the terms of reference of the Boundary Commission, and, therefore, it was not within the jurisdiction of the Boundary Commission to take any action in that respect. Sir Cyril Radcliffe is understood to have inquired if the Judges will have any objection to this recommendation being entered as a recommendation only. The reply of the Judges to this is not known.

So far as the canal system in West Punjab is concerned, that serves exclusively the Pakistan area and, therefore, the question of joint control will not arise in their case; but the Upper Bari Doab canal which runs through Gurdaspur, Amritsar and Lahore districts will be irrigating areas both in east and west Punjab and even if Gurdaspur is given to East Punjab, it will still be doing irrigation in Lahore district, unless the whole of that district is given to East Punjab.

The next common system of canals is the Sutlej valley canals, taking the supplies from the joint waters of the Beas and the Sutlej. The first headworks of this system is at Ferozepore from which irrigation water is taken to Bikaner. The second headworks is at Sulaimanki, which is also in Ferozepore district. According to notional division both these headworks would fall in East Punjab. It, however, appears that Sir Cyril Radcliffe's mind may be working in the direction of giving Ferozepore and Zira tahsils having a small muslim majority east of the Sutlej to Pakistan in return for giving Gurdaspur and part of Lahore district to East Punjab. That will be disastrous from the point of view of East Punjab and Bikaner State from the irrigation point of view and disastrous to India as a whole from the strategic point of view, because the only line of defence, that is the Sutlej, will have been pierced by the bridge at Ferozepore and between this and Delhi there is no natural barrier. On the other hand, if Ferozepore and Sulaimanki remain in East Punjab according to the notional division and because they are Hindu majority areas, then the only point where the Sutlej could be crossed would be in Bahawalpur State adjoining Bikaner territory.

Both from the strategic and irrigation point of view it will be most dangerous to let Ferozepore go to Pakistan. Whatever may be the decision about area

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west of Sutlej, no area east of the Sutlej must on any account go to Pakistan.

The joint control of irrigation canals must on no account be accepted, even as a recommendation of the Boundary Commission—this aspect is outside the terms of their reference. Any acceptance, even in a remote way, of joint control of the irrigation system will kill all hope of irrigation development in the Punjab. Even the construction of the Bhakhra dam may be affected.

Similarly no joint control of electricity must be accepted.

I shall be glad to come for discussion, if there is any point to be clarified.

A. N. KHOSLA
8.8.47.

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Mr Jinnah to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/166: f 68

GOVERNMENT HOUSE, KARACHI, *9 August 1947*

Dear Lord Mountbatten,

Many thanks for your letter dated the 8th of August[1] along with a letter of Lord Ismay.

I have accepted the draft agreement between Pakistan and Kalat, and you may now issue the communiqué accordingly.

I am also writing[2] to Lord Ismay informing him that I have accepted his suggestions with regard to clauses 1 and 2. The remaining clauses will stand as amended by me to which I find that there is no objection because they merely specify the place—'at Karachi'.

Also I agree with Lord Ismay that he should issue a notification on the 15th of August as drafted by him which runs as follows:—

[There follows the text of the draft notification attached to the Enclosure to No. 375.]

Yours sincerely,
M. A. JINNAH

[1] No. 375.

[2] R/3/1/166: f 66. There is no reply from the Khan of Kalat to Lord Ismay's letter (see No. 375, note 4) on the file. However, a note by Ismay dated 10 August indicates that Sir Sultan Ahmed was informed (1) that Mr Jinnah agreed to Ismay's proposals, and (2) that the communiqué was to be published on 12 August. *Ibid.*, f 67. The communiqué was in fact published on 11 August, see No. 488, para. 10.

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Mr Harris to Principal Ganga Singh

L/P&J/7/12465: f 68

INDIA OFFICE, *9 August 1947*

I have been asked by Lord Listowel (who is keeping an engagement elsewhere today) to let you know that he has received the letter which you and Meherban Singh Dhupia sent him on August 6th and also the letter from Master Tara Singh which you despatched separately.[1]

In your letter you ask that Lord Listowel should see you, before the Boundary Commission gives its award, in regard to the partition of the Punjab. Lord Listowel understands that you have already seen Sir Paul Patrick, one of his Assistant Under-Secretaries of State, regarding this matter and that he has explained to you that it no longer rests with H.M.G. to take decisions affecting the boundaries of the two new Provinces of East and West Punjab. Sir Paul Patrick has informed Lord Listowel that at your interview with him you stated that you recognised that this matter had been entrusted wholly to the Boundary Commission, whose award, under Section 4(2) of the Indian Independence Act, will be final. You also expressed your confidence in the selection of Sir Cyril Radcliffe as Chairman of the Boundary Commission and agreed that there was no question as to the integrity and impartiality of the Commissioners.

Lord Listowel also understands that, in a statement issued on July 22nd,[2] the members of the Partition Council at New Delhi, including Sardar Baldev Singh on behalf of the Sikh community, pledged the Governments of the two future Dominions to accept the awards of the Commission whatever these might be.

Lord Listowel feels sure that you will, therefore, appreciate that the matter is out of his hands and he could only repeat to you what has already been said to you by Sir Paul Patrick. If, however, you and your colleagues would still wish to see Lord Listowel, he would, of course, be happy to meet such distinguished representatives of the great Sikh community and make your acquaintances.

Should you and your colleagues desire to be received by Lord Listowel, perhaps you would be good enough to telephone me at this office (Whitehall 8140) on Monday morning in order that we may fix a mutually convenient time on Monday afternoon or Tuesday morning.[3]

R. M. J. HARRIS

[1] See No. 230 and its note 1. [2] No. 224.

[3] A note dated 13 August by Mr Rumbold states that Principal Ganga Singh telephoned to say that, having been in Scotland, he had only received the letter that day and that, since the Boundary Commission would be giving its Award that day, he did not wish to trouble Lord Listowel for an interview.

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The Earl of Listowel to Maulana Abul Kalam Azad

L/I/1/626: f 22

INDIA OFFICE, 9 *August 1947*

I have received your letter of 26th July[1] about the return to India of certain articles of historical interest in this country. As you point out, you first raised this with my predecessor in March last. I am sorry we have not been able to make any progress with this matter but you will understand how preoccupied we have been with the constitutional changes.

I am consulting some of my Cabinet colleagues and expect that we shall, shortly after the 15th August, be communicating officially with the Indian and Pakistan Governments on this subject.

I fancy that a good deal of detailed discussion may be involved since much that is of interest to India is of no less interest to people in this country.

I have little doubt that it will be necessary for a small party to come from India to explore the whole question with us.

LISTOWEL

[1] This letter drew Lord Listowel's attention to Maulana Azad's letter of 19 March (Vol. IX, No. 547) to Lord Pethick-Lawrence on the same subject. In the letter of 26 July Azad referred to 'the return to India, at an early date, of old books and articles of historical interest in the India Office and in various museums in Great Britain.' L/I/1/626: f 21.

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The Earl of Listowel to Mr Attlee

R/30/1/12: ff 29–34

INDIA OFFICE, *9 August 1947*

Secretary of State's Minute: Serial No. 144/47

Prime Minister,

I attach a copy of a memorandum prepared by my department on the future of the India Office and its contents. I am wondering whether, as it is now unlikely that there will be a further meeting of the India and Burma Committee before Ministers disperse, you could see your way to authorising the action proposed in the memorandum which might perhaps be circulated to the Committee with a note to that effect.

I am sending a copy of this minute and of the memorandum to the Chancellor of the Exchequer.[1]

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Enclosure to No. 399

Cabinet

India and Burma Committee. Paper I.B.(47)

THE FUTURE OF THE INDIA OFFICE AND ITS CONTENTS

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *9 August 1947*

The India Office and the land on which it stands and its "contents" (which does not include ordinary modern office furniture) are vested in Her Majesty's Government in the United Kingdom subject to the important proviso that, except with the consent of the Government of India (after the 15th August the Government of India and the Government of Pakistan), there shall be no sale of these properties nor any diversion "to uses not connected with the discharge of the functions of the Crown in relation to India or Burma" (vide Section 172 of the Government of India Act, 1935).

2. The I. &. B. Committee decided on the 30th June[2] last, after reconsideration at the instance of the Minister of Works, to reaffirm its conclusion that the important proviso referred to above should be left unchanged by the Indian Independence Act.

This was, of course, only a decision not to alter the statutory position. Obviously, with the consent of the Governments of India and Pakistan, some practical solution must be found; otherwise the effect of the proviso would before long become intolerable.

3. So far as the India Office building is concerned, we are after 15th August for the time being retaining a facade of keeping the main part of the building in use for Burma business and to some extent Indian business, but this is rather embarrassing and before many months are out would become extremely awkward. Quite obviously we must aim at freeing the whole building to be used in whatever way seems best to H.M.G. It is accordingly proposed that shortly after the 15th August we should approach the two Indian Governments and ask for their consent to divert the building to other uses. This will no doubt produce a claim from the two Indian Governments for a repayment of the cost. In round figures this was £620,000 against which may be set a sum of about £160,000 raised by the sale of East India House and part of its contents. Probably, however, the Indian claim would be based on modern value. No attempt has ever been made to assess this.

4. The Treasury have no objection to the action proposed. Whatever sum may eventually be agreed as a fair refund to the two Indian Governments would,

[1] Mr Attlee minuted: 'I think we should get Mountbatten to settle this. Draft to S. of S. India accordingly. CRA.'

[2] Vol XI, No. 421, Minute 1.

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in the Treasury view, be treated as a capital transaction and merely added to the enormous sum we already owe to India. It is, of course, possible that the two Indian Governments would press for an immediate cash settlement but this would have to be resisted.

5. The "contents" consist of exceedingly valuable old records (which merge imperceptibly into modern records and modern files), valuable pictures and furniture and, perhaps most important of all, the India Office Library which is an Oriental Library of international repute.

6. In March last Maulana Abul Kalam Azad in his capacity as Member of the Government of India for Education wrote my predecessor a letter[3] (which was acknowledged)[4] saying that he understood that there was a collection of articles of historical and national interest to India, including painting and statuary, in India House and the India Office and asking for the return of some of those for a national cultural museum which is to be established in India. (So far as there may be anything of this kind at India House its disposal is, of course, entirely within the control of the Governments of India and Pakistan). Some of the articles which Azad wants are probably in the British Museum, the South Kensington Museum and possibly elsewhere and not in the India Office at all. A reminder was received from Azad a few days ago and I have sent a further acknowledgment[5] saying that I am consulting my colleagues in the Cabinet and hope that shortly we shall be in a position to take the matter up officially with the Governments of India and Pakistan.

7. I question very much whether the Indians realise what the contents of the India Office are, how they have been acquired and the extent to which they are of British as distinct from Indian interest.

8. Apart from the Indian request there will be many in this country who will desire some of the India Office "contents". The Zetland Report of 1945, which pressed the desirability of establishing a Centre of Oriental Culture in London after the war, assumed that the India Office Library would form part of it. This was a grandiose scheme on which nothing has been done. The Scarbrough Report of April, 1946[6] which examined the question of facilities for Oriental study supported the Zetland Report's idea of an Oriental Centre in London, though this only indirectly affected the main recommendations of the Scarbrough Report. This Report is at the moment under consideration. It again involves very considerable expenditure which it is unlikely could be embarked upon at the present time.

9. It seems improbable that any very early decision can be taken on the question of an eventual Oriental Centre in London. The India Office Library could, of course, in the meantime (subject to Indian claims) remain where it is but this may not be the best solution. It has not, for a good many years past,

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actually been required for the official work of the India Office and it will seem even more strange, except perhaps as a purely temporary expedient, to leave it attached to the Commonwealth Relations Office.

10. We cannot very long delay talks with representatives of the Indian Governments on this subject, and it is proposed that we should shortly after the 15th August approach the Government of India saying we are willing to discuss Azad's suggestion and make a similar intimation to the Pakistan Government.

11. It seems, however, wise to set out from the start certain broad principles on which we should proceed. It is suggested that these should be:

(1) Records should remain in this country and, indeed, the attached answer (Appendix) which I gave in the House of Lords on Wednesday 23rd July already sets out this position. Possibly all records earlier than a certain date should be transferred *en masse* to the Public Record Office. It has been suggested that, legally, they should already be regarded as vested in the Master of the Rolls. The precise legal position has, however, not yet been investigated.

(2) Anything acquired from the East India Company before 1857 should remain ours and also anything acquired by *gift* since that date. (This probably covers all the more valuable part of the India Office Library, though probably not the greater part of it in bulk.)

(3) As regards anything acquired at the cost of Indian Revenues since 1857 we should be ready to admit that there is a *prima facie* Indian claim so far as the *finance* is concerned. We might nevertheless (apart from incidence of cost) have a stronger case than India has to retain much of such property. In particular, it would be a disaster to start splitting up the India Office Library whatever its ultimate destination may be. It is proposed that for anything which we wish to keep, acquired at the cost of Indian Revenues since 1857, we should admit financial liability, regarding such sums, however, as a capital transaction to be added on to the debt to India for the India Office itself. Exceptions in individual instances to the above general principles may well prove desirable.

12. The whole of this business may prove troublesome and complicated; and, although certain general principles are suggested above as a starting-off point for any talks with India, actually it is not possible to discuss the problem very intelligently unless it is handled with close reference to detail. There is

[3] Vol. IX, No. 547. [4] *Ibid.*, note 1. [5] No. 398.

[6] Report of the Interdepartmental Commission of Enquiry on Oriental, Slavonic, East European and African Studies. H.M.S.O., 1947. The report of the Commission, which was chaired by the Earl of Scarbrough, was dated 16 April 1946.

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accordingly much work to be done and I propose that this question should be handled on the official level by a special committee (to be appointed presumably by the Prime Minister). I suggest that the Chairman should be a senior official of the India and Burma Office and that the other members should be:

(i) A University Don who is knowledgeable in such matters without necessarily being an Oriental Expert. It would probably be impossible to find an Orientalist who would be quite disinterested.

(ii) A representative of the Ministry of Education.

(iii) A representative of the Treasury. For particular subjects they should have the power to co-opt or consult experts as may be found necessary. I suggest that they should be given very simple terms of reference, namely to consider the disposal of the "contents" of the India Office (other than ordinary office furniture and equipment).

13. Actually their task would be rather complicated. Their first job would be to make a fresh survey of the contents of the India Office. (There are a good many catalogues and reports on this subject but these are nearly all old and not always brought up-to-date.) Then, bearing in mind the claims likely to arise in this country, they should, if the Governments of India and Pakistan respond to the approaches which it is proposed to make to them, discuss with a small party of representatives (again on the official level) of the Governments of India and Pakistan the claims which they may wish to put forward. The Indians have at the moment probably only the vaguest idea of what, in fact, is in the India Office and elsewhere in London and would have to be allowed facilities to find out. After these talks have proceeded to a certain stage, the Committee would of course have to report to Ministers and we should try and get a decision between the U.K. Government and the Governments of India and Pakistan as to what, in fact, was to be allowed to go to India. After that decision had been taken the Committee should, I suggest, produce proposals for disposing of whatever properties are not passed back to India. It is doubtful whether they could make permanent proposals. They would probably have to be of an interim nature so as not to prejudice too much the eventual possibilities of a big Oriental Centre in London when money is available for such a project.

14. So far as furniture and pictures are concerned it is suggested that a few rooms in the India Office might be left furnished in the old style, whatever may be the eventual choice of the Government Department to occupy that part of the building. The Council Room is a precise reproduction of the Council Room of the Court of the Directors of the East India Company. Furniture, mantelpiece, panelling and pictures all came from there as did the doors. It is thus a room of peculiar historic interest which it would be a great pity to dismantle. The three Committee Rooms, though they have no corresponding

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historical association, have equally a character of their own. We might keep these three rooms and the Council Room in their present form with their present furniture and pictures. If the Commonwealth Relations Office should ultimately move into the India Office building, it would be appropriate that the Indian side should make this contribution to the appearance of the amalgamated office. Even if the Foreign Office take over the accommodation there is much to be said for a suite of rooms of this character kept on the understanding that the Indian furniture, pictures and fittings would be "frozen" in them and neither added to nor taken from. The ordinary public, it is true, would not get much benefit from the contents of these rooms. But there would be a significant reminder of the work of the East India Company and the India Office and with very little in any of them that is of special interest to India or Pakistan. L

Appendix to No. 399

Extract from Hansard (House of Lords) of Wednesday 22 July, 1947[7]

INDIA OFFICE RECORDS

Lord Hailey: My Lords, I beg to ask His Majesty's Government the question standing in my name.

[The question was as follows:

To ask His Majesty's Government whether they contemplate taking measures to secure for use in this country the important historical records now in the custody of the India Office.]

The Secretary of State for India and Burma (The Earl of Listowel): My Lords, I am glad to give the noble Lord an assurance that we intend to retain in this country the historical records which are now in the custody of the India Office. These records cover the whole period of the British connexion with India, and are the essential material of the history of the East India Company and of the British Government in their dealings with their representatives in India. Though mainly, of course, concerned with India, they are not exclusively confined to that country. In addition to their importance as documents relating to matters of public administration, they contain much material relating to the lives of British individuals and families associated with India. It is obvious that these records should be available in this country for reference in the future.

Lord Hailey: My Lords, I am very much obliged to the noble Earl for his answer. I am sure it will be received with great relief by historical and other students who are interested in the use to be made of these records.

[7] *Parl. Debs.*, 5th ser., H. of L., vol. 151, col. 179. The date should in fact be 23 July 1947.

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Mr Bevir to Mr Helsby

R/30/1/12: f 35

9 August 1947

Mr Helsby,

If this argument gets into the hands of officials it will never end. Isn't it worth trying to get Mountbatten to settle it out of hand?

For example on the question of the value of the building, what is the respective claim of the Government of India and Pakistan on the proceeds? As regards the Library how is anyone ever going to divide it up? Surely the best thing to do, even if anybody knows or realises about it in India, which I very much doubt, is to try to get the thing settled simply, without wasting years of time in trying to divide something which is indivisible—though, heaven knows, the Indians are not bad at that kind of thing.[1]

A. BEVIR

[1] Mr Helsby minuted to Mr Attlee on 10 August: 'Prime Minister. I share Mr. Bevir's fear that the India Office are inclined to make this a complicated and long-drawn affair which might cause more ill-feeling than it is worth. I think an official Committee may be needed, but it should be small, should confine itself mainly to fact-finding and should report *quickly*.' (Emphasis in original). Mr Attlee minuted in reply: 'I agree. C.R.A.' R/30/1/12: f 35.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 204–5

INDIA OFFICE, *9 August 1947*

Dear Mountbatten,

I was very sorry to learn from your telegram No. 3161–S[1] that my telegram No. 9947[2] had led you to believe that there was more between us on the question of policy towards the States than in fact there is. May I say at once with what profound admiration we have followed your recent handling of the States and with what immense satisfaction we have learned of the amazing measure of success that you have achieved. There is, of course, no question but that it is in the best interests alike of the new Dominions, of the Indian States and of ourselves that all States should accede to one or other Dominion, according to their geographical position, as soon as possible on the terms now available to them. Nor do we doubt for one moment that you are right simultaneously to urge moderation on Congress and to bring forcibly to the notice of the States the pressure which would be brought to bear upon them both by British India and by their own people if they failed to accede.

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When I sent my telegram we had not seen the draft Instrument of Accession[3] and we now appreciate that any changes in the existing constitutions as adopted which may be made by the Constituent Assemblies after States accede will in their application to the States require their consent. On this basis I agree that it was right to advise States to accede by 15th August on the terms now available to them.

Our treatment of the States has been the subject of a good deal of criticism in this country and from this point of view we attach importance to sticking to the policy in the Cabinet Mission's Memorandum of 12th May 1946[4] which we endorsed in the Statement of 3rd June.[5] However, we believe your speech of 25th July[6] to have been entirely consistent with that Memorandum and the assurances we gave to Parliament that, whatever the Dominions do, we at any rate would not put pressure on the States.

I need hardly say that it is not the intention in present circumstances to supply arms from this country to Indian States without consulting the new Dominions. But that does not mean that we would wish to imply publicly that we would prevent the export of arms from this country to Indian States that do not accede in order to put pressure on them at the instance of one other of the new Dominions.

Yours sincerely,
LISTOWEL

[1] No. 340. [2] No. 307. [3] Enclosure 1 to No. 313.
[4] Vol. VII, No. 262. [5] Vol. XI, No. 45, para. 18. [6] No. 234.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET INDIA OFFICE, *9 August 1947*

Dear Mountbatten,

Thank you for your letter of 1st August[1] enclosing Personal Report No. 15.[2] As this is the last weekly letter I shall be sending you I should like to say (and I know that all my colleagues (both Ministers and officials) would agree with me) how immensely valuable and enthrallingly interesting your weekly Personal Reports have been. They have gone a long way towards eliminating the effects of distance and have enabled us here to appreciate the atmosphere in Delhi to a degree which has enormously assisted us in carrying out our part in the events of the past months. I would like also, if I may be allowed to, to

[1] Not printed. [2] No. 302.

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commend the drafting of the reports which has combined lucidity with graphic description in a high degree. Such touches as paragraph 56 of Report No. 15 have, moreover, served to reassure us that pressure of work has not impaired the detachment and sense of humour of yourself and your staff.

2. As this will be my last letter to you, I must also endeavour to tidy up any loose ends from our previous correspondence. Thus, in paragraphs 3 and 4 of your letter of 10th July[3] you referred to the question of appeals to the Privy Council after the transfer of power. No steps seem necessary here at this juncture for, until some contrary provision is enacted by one or both Dominions, appeals will continue to come to the Judicial Committee. We had already sounded the Lord Chancellor about this question some time ago and he then held strongly that any move for cessation of appeals should come from India. It seems unnecessary to pursue the matter with him further until it is clear that one of the Dominions wishes to stop appeals to the Judicial Committee. In that event, of course, we may also have to meet a desire that proceedings pending before the Judicial Committee should be continued to judgment and, to secure this, it might well be expedient to have a clause in a Treaty providing for the continuance of the Judicial Committee's jurisdiction in respect of those proceedings which could be implemented by legislation if necessary at both ends.

3. I was interested in what you said in paragraph 3 of your letter of 25th July[4] about some looser form of association within the British Commonwealth to meet the case of Burma and perhaps later on of India. I can assure you that the wider implications and possibilities are not being overlooked and that some hard thinking is being done at this end on the question. But the problem of devising a form of association which is even looser than that at present binding the Dominions and which is yet not entirely meaningless or indeed, in the absence of a real measure of common purpose and interest, even dishonest, is no easy one. And the reactions of, and on, existing Dominions, and more particularly Dominions such as S. Africa or Canada, of any weakening of existing links are material factors. However, I agree as to the importance and urgency of the issue.

4. So far as concerns the particular and, indeed, somewhat technical aspect of citizenship to which you refer, as you probably know, following the Commonwealth Conference of experts earlier this year, a scheme is now being worked out by the various Commonwealth Governments which would give the U.K. and each Dominion its own citizenship. The possession of one of these citizenships would be the only gateway to the status of British subject, which would remain a common status with, it is to be hoped, common privileges in each of the Commonwealth countries. From some points of view the creation of separate citizenships ought to help towards that form of association within

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the Commonwealth which you have in mind. In another sense, however, to hanker after any form of common citizenship is swimming against the stream. In any case the status of British subject will remain a common status, though in the last analysis it will now, more than ever, mean simply a common allegiance to the Crown. And there, I take it, we are back at our starting-point.

5. In paragraph 4 of your letter of 25th July you said that you supposed that there was no chance of persuading the new Government of Burma to give dominion status a trial. I am afraid that the effect of the assassinations[5] will have been rather to accentuate the feeling of the leaders who have survived that, whatever their own predilections, their position *vis-à-vis* the rank and file of their supporters is not strong enough to make it possible for them to give a lead in the direction of remaining within the Commonwealth. It has to be recognised, too, that the suspicion (which, I regret to have to say, is not entirely unfounded) that the assassinations were due in some measure to acts of commission or omission on the part of members of the British Services is another factor inevitably tending to reinforce the urge to "cut the painter".

[Paras 6–8, on compensation for Burma Services, lack of news on a "Dominions" expert and a letter from Prasad on subject of food, omitted.]

9. I am not surprised at what you say in paragraph 23 of your Personal Report No. 14[6] about the desire of the Princes not to be cut off from future intimate and honorific relations with His Majesty. The Princes' own feeling is natural enough but the reactions of Patel and his forecast of the attitude of the future Government of India are unexpected and, as you say, welcome.

10. As regards the future treatment of the Princes, we feel here that they cannot expect their existing personal relations with the Crown to continue on the same basis otherwise than within the Commonwealth and through the new Dominion Governments. Time alone will show how these will work out. It is, of course, agreed that the fact that the Indian Orders are to remain in suspended animation does not preclude the grant of honours by The King to Indian Princes in the future, should the Dominion Governments recommend such a course. Therefore the way remains open for the bestowal of decorations.

11. As regards other honours such as appointments as Honorary Aides-de-Camp to The King and Honorary Ranks in the British Army, the present position as we see it can remain undisturbed. There is no idea of cancelling existing appointments.

12. The appointments of Honorary Aides-de-Camp to The King, since they are so limited in number, are very highly prized. Unless any individual

[3] Not printed.
[4] No. 227.
[5] See *ibid.*, note 3.
[6] No. 228.

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Prince took it upon himself to relinquish his appointment, it is not proposed to suggest to His Majesty that He should take any initiative in the matter. On the other hand it seems doubtful whether any new appointments need be made, should a vacancy occur by the death of an Honorary A.D.C. to The King.

13. The same applies to Honorary Ranks in the British Army which will be retained, though no new appointments or promotions would of course be made save on the recommendation of the Dominion Governments. I am not sure, however, that these may not wish future grants of honorary rank to be in their own Forces.

14. Possibly you will think it desirable to say something about this to Jinnah, though the Muslim League attitude towards Honours for Princes may not correspond with that of Patel.

15. Fortunately, Krishna Menon did not have to go to New York and was able to be present at the Luncheon which I arranged for 5th August and which proved a very successful occasion. Apart from Henderson and Pethick-Lawrence I invited R. A. Butler, Godfrey Nicholson, Samuel and Hopkin-Morris. I am sorry to say that a certain amount of opposition to Menon's appointment is showing itself here, more particularly in Indian circles in London. Menon certainly has a past to live down, but we will do all we possibly can to help him establish his position.

16. You revert again, in paragraph 4 of your letter of 1st August,[7] to the case of the civilian ex-service clerks serving in G.H.Q.(I). I hope you appreciate that I entirely recognise that their's is a very hard case but the old adage about hard cases and bad law remains true, and I concur in the unanimous opinion of my Department that a concession in this case, however much one may be tempted to make it on compassionate grounds, would make a dangerous breach in the general principles upon which these matters have been settled.

[Paras. 17–25, on service questions and passage through India for Addison and Cripps, omitted.]

26. It is a pity that none of Jinnah's high level choices for the governorship of East Bengal have materialised but the temporary appointment of Bourne should give more time for the right selection to be made.[8] It is encouraging to read in paragraph 11 of Personal Report No. 15[9] of the progress being made with the establishment of the new capital at Dacca. The provision of suitable accommodation for the Governor seems a necessary condition of obtaining a man of the necessary calibre for the post.

27. Your account in Personal Report No. 15 of your dealings with Nehru, Patel and Gandhi over Nehru's emotional urge to visit Kashmir is illuminating, if somewhat disturbing.[10] Clearly, Gandhi will have a safe passage in Kashmir,

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even though the Maharaja finds himself bound to join Pakistan. The realistic attitude of Patel is a great asset to the Congress Party but one cannot suppose that it will be possible for all time to prevent an open clash between such differing temperaments.

28. What you say in paragraph 34 of the same report about the readiness of both Nehru and Jinnah to receive the Chiefs of Staff or high powered representatives of them for discussions with the Joint Defence Council is most encouraging. I will see that the Chiefs of Staff are informed.

29. Your first and last contact with the Chamber of Princes seems to have been a fairly exhausting experience.[11] No doubt the Rulers and Dewans of the bigger States are most of them capable of appreciating the great risks they run in attempting to hold aloof from the Dominion of India. They will have had time to appreciate that they cannot count on active support from the outside world in staking out a claim to independence. We are full of admiration at your success in having overcome the hesitations of so many States about acceptance of the terms of accession offered by Patel. To do them justice, the States have had little reason up to now to assume that the Congress and their friends have any intention of offering them a square deal. Their experiences while Congress was in power in the Provinces before the war and Nehru's repeated abuse[12] of their Governments since he came into power have at least given cause for their adopting an attitude of caution about throwing in their lot for good and all with the Dominion of India. However, having come to realise their weakness if they attempt to stand alone and the growing sympathies of their subjects with the more progressive elements in British India, the more enlightened Rulers and their Ministers seem to have at last accepted the inevitable. I am sorry to hear that C. P. Ramaswami Aiyyer should have been so severely mauled[13] on his return to Travancore, but no doubt his going out of business at any rate temporarily has had the valuable effect of deciding the Maharaja to call off his bid for independence.

30. The personal equation seems for the time being to have dictated the choice of Bhopal, Indore and Dholpur. If your own diplomacy succeeds in persuading them to throw in their lot with their brother Rulers, you will have achieved something which we at this end would not have thought possible a few weeks ago. Even so, there still remains the problem of Hyderabad and its most unaccountable Ruler. It still seems to me that in the case of this State Patel could afford to accept an interim political arrangement of the kind I referred to in paragraph 8 of my letter of 2nd August.[14] So many considerations

[7] Not printed. [8] See No. 357 and its note 3. [9] No. 302.
[10] *Ibid.*, paras. 25–33. [11] See No. 234.
[12] cf. Vol. X, No. 181, note 2. [13] See No. 239, note 8. [14] No. 317.

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are necessarily involved in acceding to a constitution which has yet to be finalised, even for the limited range of subjects in question, that I cannot withhold some sympathy from the Nizam in being told that he has to make up his mind to sign on the dotted line by 15th August. However, by the time this letter reaches you it may well be that your efforts and those of Monckton will have prevailed against the pressure brought to bear on the Nizam by his Muslim subjects, without it being necessary for the Dominion Government to grant him a *locus pœnitentiae*.[15]

31. With reference to paragaph 54 of Personal Report No. 15, one cannot but regret on grounds of principle that the remaining I.N.A. prisoners will appear to have had their brutality condoned but, taking all in all, the arrangement now proposed for dealing with them is probably the most satisfactory one possible. At the same time it does seem important that the scheme should be put into effect as inconspicuously as possible, and that great care should be exercised to prevent publicity, which might have a serious effect on the morale of the army.

32. You will no doubt like to know how things are shaping administratively here. On 15th August the appointment of Arthur Henderson as Minister of State for Commonwealth Relations will be announced. It will be announced at the same time that the staff of the India Office will be amalgamated with that of the Commonwealth Relations Office and that Carter will serve as an additional permanent Under-Secretary of State for Commonwealth Relations. It has been arranged that as soon as possible after the 15th August Henderson, the Under Secretaries and nuclei of certain of the key departments of the India Office should move from their present accommodation into rooms in the Colonial Office building (immediately adjoining the Commonwealth Relations Office) which are being evacuated by the Colonial Office and were to have been taken over by the Foreign Office. It is very difficult to see how things will work out in practice but this move should help to accelerate the process of integrating the two departments. You may also like to know that, with the same object in view, we plan to hold a social party for the staff of both Offices towards the end of September when the leave season is over.

[Para. 33, on Indian Police Association and Indian Government officers (Retired) Association, omitted.]

34. The Resolution on the Services quoted in paragraph 10 of my letter of 2nd August[16] was moved in both Houses yesterday. In the Lords there were eloquent speeches by Bobbety Salisbury on behalf of the Conservatives, and by Reading on behalf of the Liberals. The Bishop of Salisbury, Chetwode, and Hailey also spoke. In the Commons, where the Prime Minister, Eden and Clement Davies spoke, the names of Churchill and Eden were associated with

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those of Ministers in sponsoring the resolution. I hope these resolutions will give satisfaction to the members of the Services, who will no longer entertain the slightest doubt about the whole-hearted appreciation of Parliament.

[Para. 35, on Judges, omitted.]

36. I was grateful for your telegram No. 3200-S[17] about the proposed messages to India and Pakistan on the 15th August. The messages will be sent to the U.K. High Commissioners with the request that they may be passed to the Prime Ministers of India and Pakistan respectively. The draft of the messages at present runs as follows:—

> "My colleagues in the United Kingdom Government join with me in sending on this historic day greetings and good wishes to the Government and people of India/Pakistan from the people of the United Kingdom. It is our earnest wish that India/Pakistan may work out its destiny as a free country in tranquillity and prosperity and, in so doing, make its full contribution to world peace and progress."

37. It seems at the moment as if the Government of India will have reason to be pleased with the terms of the agreement on sterling balances,[18] which were far more satisfactory than I had dared to hope. Not unnaturally, it seemed at one moment as if the terms of the projected agreement might have to be modified to India's disadvantage in view of the coincidence of the negotiations with the economic "crisis" in this country, but it now seems certain that this will not happen.

[Paras. 38–40, on the Exhibition of Indian Art, omitted.]

41. I cannot end this, my last weekly letter, without paying a tribute to all that you and your staff have achieved in the few months since you left for Delhi. When one considers the intractability of the problems, great and small, requiring to be solved, the intensity and bitterness of feeling between the major communities affected and the sheer weight of the work to be got through, one realises the magnitude of what has been achieved by you and your staff. The Indian leaders and officials, civil and military, whose share in the process of transferring power has been indispensable, have made a remarkable contribution to the settlement. It must be with a sense of great relief that you see 15th August approaching; and yet relief not untinged with regret at the ending of a great chapter, and of concern at the thought of the unchartered [? uncharted] seas that lie ahead.

Yours sincerely,
LISTOWEL

[15] cf. No. 385, para. 18.
[16] No. 317. [17] Not printed. [18] See No. 368, note 3.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Security Arrangements for Partition

TOP SECRET GOVERNMENT HOUSE, LAHORE,
NO. 703 *9 August 1947*

Dear Lord Mountbatten,

Many thanks for Your Excellency's telegram No. 3269–S dated 8th August 1947[1] about the subversive activities of Tara Singh and other Sikh leaders.

2. I have now discussed this matter both with Trivedi and with Mudie, and we are all agreed (a) that the arrest of Tara Singh and his friends now or simultaneously with the announcement of the Boundary Commission's award could not improve and might worsen the immediate situation; and (b) that though it may be necessary for me to make the arrests after the announcement of the award and before 15th August if the Sikhs give very serious trouble, it would be far better to leave them to be dealt with by the new Governments of West Punjab and East Punjab.

3. In amplification of (a), it is clear that the village raiding which is now causing us so much concern in Amritsar and elsewhere is not specifically directed by Tara Singh and his associates, though it is undoubtedly the result of their general propaganda. Their arrests now or simultaneously with the Boundary Commission's award would almost certainly lead to a sharp reaction among the Sikhs and would jeopardise what hopes there are that the Sikhs in West Punjab will accept the award and settle down quietly. I believe that the reports[2] submitted to Your Excellency on Tara Singh's personal activities are substantially true; but I doubt if in fact his alleged plans will come to anything.

Turning to (b), if the arrests were made by the Section 93 administration, the leaders taken in West Punjab would presumably have to be confined in a Pakistan jail, and the leaders taken in East Punjab would have to be confined in an Indian jail. We have as yet no evidence to support a criminal prosecution, and it is impossible to say what the attitude of the new Governments would be. West Punjab would be anxious to detain their men, but East Punjab, relying on some Sikh support, would be greatly embarrassed and might decline to take responsibility for the detention orders. On the other hand, if the two new Governments have to take decisions of their own, they are more likely to adhere to them and to make suitable arrangements for the custody of the prisoners—a matter which may cause considerable embarrassment.

4. I have not discussed the problem with Mamdot or with any political

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representative of East Punjab, as in the present state of feeling the politicians would be unable to keep quiet about it; but there is no doubt at all about the views of Trivedi and Mudie. Trivedi pointed out to me that the logical alternatives were to make the arrests immediately or to await the results of the Boundary Commission's award. Mudie concurred in this view and added that unless West Punjab could be quite certain of the ultimate attitude of East Punjab, the confinement of the Sikh leaders, not on criminal charges but under my emergency powers, might be most embarrassing, and that he was not clear where I could put the leaders without causing trouble. I could hardly send them to what will in a few days be a Pakistan jail; on the other hand if I left them in East Punjab, they would be a centre of agitation.

5. I have accordingly decided to plan the arrests, but not to make them myself unless my hand is forced. The arrests may be far from easy, as the Sikh leaders travel a good deal and usually live in places like the Golden Temple where Police action causes much excitement.

6. This decision will probably be unwelcome to Jinnah, but I believe that in all the circumstances it is the right one. The whole object of our policy has been to get as smooth a change-over as we can, even at considerable risk. The two new Governments may have to fight the Sikhs, but if I start the fight now, they will inherit it, and I do not think that this would be fair to them unless the arrests before the transfer of power are quite unavoidable.[3]

Yours sincerely,

E. M. JENKINS

[1] No. 379. [2] See No. 345.

[3] On 10 August Sir G. Abell minuted to Lord Mountbatten as follows:

'Letter below from the Governor Punjab. It is clearly necessary to accept his view, especially as it is backed by both Sir C. Trivedi and Sir F. Mudie.

2. Sardar Patel who was at the original meeting [see No. 345] will accept it without question. The only point remains whether we should inform Mr Jinnah who will not be pleased. On the whole, I think it would be best to telegraph to the Governor of the Punjab as in the draft below.'

Lord Mountbatten minuted in reply:

'I approve. No need to tell Patel and Jinnah since it is solely my business until 15th. If asked I shall say—'I left it to Jenkins to decide when.' If he decides 'after 15th' that is his concern. Put a brief account in VPR. M.'

Mountbatten telegraphed his acceptance of Sir E. Jenkins' view in tel. 3313-S of 10 August. Mountbatten Papers, Official Correspondence Files: Punjab, Security Arrangements for Partition.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

IMMEDIATE NEW DELHI, *9 August 1947, 6.00 pm*

SECRET

No. 3290–S. Your telegram 219–G of 8th August.[1] Para. 5. Commander-in-Chief is looking into the question of reinforcements for Punjab Boundary Force, and hopes to be able to produce some reconnaissance aircraft.

2. Additional police lent to Delhi are on railway security under military control, and I am trying to arrange to get them relieved.[2]

[1] No. 382.

[2] Upon receipt of this telegram, Sir E. Jenkins noted: 'Good. E.M.J. 10.8.47.' R/3/1/176: f 260.

405

The Maharaja of Bikaner to Rear-Admiral Viscount Mountbatten of Burma[1]

Telegram

10 August 1947

It is strongly rumoured that Boundary Commission is likely to award Ferozepur Tehsil to Western Punjab. This Tehsil contains Headworks of Bikaner Gang Canal and under existing agreement State is entitled to receive for its perennial canal specified amount of water. Fear greatly that administration and regulation of this water exclusively by Western Punjab may gravely prejudice interest of Bikaner State as its economic life is to very large extent dependent on water supply from Gang Canal. Have every confidence that Your Excellency in finally arriving at decision on award of Boundary Commission will be good enough to safeguard interests of Bikaner State especially as we as one of the parties to the Agreement were not consulted in arrangements that are being made. Request Your Excellency to very kindly give an opportunity to my Prime Minister and Chief Engineer Irrigation, to place facts before Your

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Excellency prior to final decision being arrived at. They are reaching Delhi on morning Monday eleventh.

MAHARAJA BIKANER

[1] No copy of this telegram has been traced either in the Mountbatten Papers or in the India Office Records. However, a telegram purporting to be the one sent by the Maharaja of Bikaner has been quoted in a publication by Kanwar Sain who was, in 1947, Bikaner's Chief Engineer Irrigation. The above telegram has been taken from this source: Kanwar Sain, *Reminiscences of an Engineer*, New Delhi, 1978, p. 119. For Lord Mountbatten's reply to this telegram, see No. 427.

In the same publication, the author says that he saw Mountbatten with Sardar Panikkar (Bikaner's Prime Minister) on the morning of 11 August. Mountbatten is said to have declined to discuss the Boundary Commission at which point Kanwar Sain responded that he and Panikkar had been asked by Bikaner to convey that if the Ferozepur Headworks and the Gang Canal were allocated to Pakistan, Bikaner would have no option but to join Pakistan. Mountbatten is said to have 'said nothing.' No record of this interview has been traced and there is no entry referring to it in Mountbatten's Personal Diary.

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/157: f 266

NO. 1446/17 *10 August 1947*

Dear Mr. Nehru,

Thank you for your secret letter of the 9th August[1] about the irrigation system of the Punjab and the Boundary Commission's award.

2. I hope you will agree that it is most important that I should not do anything to prejudice the independence of the Boundary Commission, and that, therefore, it would be wrong for me even to forward any memorandum, especially at this stage.

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] No. 395.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Liaquat Ali Khan

R/3/1/165: f 72

10 August 1947

Dear Mr Liaquat Ali Khan,

You will remember that we discussed in Executive Council the problem of the North-West Frontier Province Ministry, and my Pakistan colleagues advised me to direct the Governor to ask the Ministry to resign and if it refused to dismiss it.[1] Secondly, if the first course was considered unconstitutional, I was advised to direct the Governor to go into section 93 so that the new Governor could appoint a new Ministry on the 15th August. I undertook to accept this advice provided I was assured that it would be constitutional for me to do so, about which I had grave doubts, and informed you I was referring the matter to the Secretary of State.

2. The Secretary of State has now sent me instructions[2] that both of these courses of action would in the present circumstances be unconstitutional and it is, therefore, impossible for me to accept the advice tendered, since in this case I have to act in my discretion, which means taking the advice of the Secretary of State and not the Executive Council.

3. What action should be taken by Sir George Cunningham on or after the 15th August is a matter which I expect you or Mr. Jinnah will wish to discuss with him when he comes through Karachi.

4. I am sending this letter by the hand of Ian Scott, who is joining the office of the U.K. High Commissioner, Pakistan. He will be in Karachi from the 11th August, and will be in touch with Birnie about the arrangements for my visit. If you should wish to ask him any questions he will be at your service.

Yours very sincerely,

MOUNTBATTEN OF BURMA

P.S. I have just received a telegram[3] from Lockhart. I enclose a copy as you will want to have the latest view of the situation in the N.W.F.P.[4]

[1] See No. 301. [2] No. 387. [3] No. 392.

[4] On 10 August Lord Mountbatten enclosed a copy of this letter with a letter of welcome to Sir G. Cunningham upon his return to India. Mountbatten added: '. . . I have no doubt you will have discussions with him [Liaquat] and Mr. Jinnah on this subject. I am looking forward to seeing you, and hearing what you have decided.' R/3/1/165: f 73.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

R/3/1/89: f 239

10 August 1947

My dear Jenkins,
Thank you for your secret letter, No. 699 of the 4th August,[1] with which you enclosed the memorandum on the criticism against the Punjab Government, which I asked you for during my visit.

2. I appreciated fully before that the criticisms from outside were largely evidence of the impartiality of your régime. I do not see how, in the circumstances as they have been since March, you and your officers could possibly have avoided criticism. It was only in order to leave on record the facts as you saw them that I bothered you to write the memorandum. I am glad I did so in spite of the burden of other work on you, because this admirable record will be of value to the historians and protect the reputation of the British in the last period of their rule in India.

3. I am sending copies to the King, the Prime Minister and the India–Burma Cabinet Committee as an enclosure to my final weekly report.

Yours very sincerely,
MOUNTBATTEN OF BURMA

[1] No. 337.

409

Sir F. Wylie (United Provinces) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Letters to and from Provincial Governors

NO. U.P.–89 GOVERNOR'S CAMP, UNITED PROVINCES,
10 August 1947

2. As soon as I saw para 2(iii) of our circular letter No. 7796/XIX of July 29th,[1] I spotted the insidious phrase "replacement of the old flag". I sent

[1] Entitled 'Celebrations on August 15, 1947' and circulated to all District Officers in the United Provinces. L/P &J/5/276: f 28. Lord Mountbatten had commented on this phrase in his letter of 5 August to Sir F. Wylie as follows: 'I hope you will somehow be able to secure that there is no question of a replacement ceremony, for Nehru entirely agrees that there should be no lowering of the Union Jack which should not appear at all on 15th August. I hope they will agree to hoist the Governor's flag at Government House either simultaneously on the same flagstaff or on another, or as soon after as they will agree.' Mountbatten Papers, Letters to and from Provincial Governors: United Provinces.

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for the Inspector-General of Police immediately and using him as a simple seeker after truth, we got a definite ruling from the Provincial Government that the Union Jack is everywhere to come down quite normally at retreat on the 14th and not to be in evidence at all on the 15th. There will be no jubilant pulling down of "the old flag" therefore anywhere in the United Provinces.

410

Sir F. Wylie (United Provinces) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Letters to and from Provincial Governors

NO. U.P.–90 GOVERNOR'S CAMP, UNITED PROVINCES, *10 August 1947*

2. There is something which I have to say about the work of British Governors in Indian Provinces during the last year and more. This should, I feel, be on record. The times were hard. Particularly in the period April 1st 1946 to, say, February or March 1947. During all these months it was quite impossible to see where we were going. The practical dilemma which this provided for a Provincial Governor was that he simply had to support the services at the cost of bad blood with his Ministers, lest the Ministers might walk out on some pretext or another, when the Governor would once again have had to take over the administration. If we had given the Ministry their heads over Service questions at that stage of our affairs, our cadres would have wilted and it would have been impossible to make the high call on them which a Section 93 régime requires,—a call which very fortunately never had to be made. It was during this period and very much for these reasons, that I had my most painful quarrels with my Ministers. And Governors in other Congress Provinces were, I dare say, in the same shape. I mention the point particularly lest it be thought, so rapid is the pace of things nowadays, that Governors' quarrels with Ministers in 1946 and the early part of 1947 were meaningless anachronisms. Then came the announcement that we were going in June 1948, followed by your own plan put out on June 3rd. These two great decisions of policy made things infinitely easier for us in the Provinces. We knew where we were going and could adjust ourselves accordingly.

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The Gaekwar of Baroda to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: f 213

JAYAMAHAL PALACE, BOMBAY, *10 August 1947*

My dear Lord Mountbatten,
I have received two copies of the Instrument of Accession sent by Mr. V. P. Menon with his letter dated the 1st August. I return them duly signed by me subject to the limitations mentioned in the accompanying statement.[1] I shall be grateful if Your Excellency will kindly issue a collateral letter giving an assurance that my accession to the Dominion of India will be subject to the limitations referred to therein.

2. In this connection I may refer to Your Excellency's speech[2] addressed to the Conference of Princes on the 25th of July in Delhi in which you have mentioned that

"I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty.

"If I am right in this assumption at any rate so far as some Princes are concerned, I think I must dispel their apprehensions and misgivings. The draft Instrument of Accession which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States accede to the appropriate Dominion on three subjects only without any financial liability".

3. I may make it clear that I am acceding to the Dominion of India on the assurance contained in the above statement that *there is not going to be any financial liability*[3] on the acceding States. I shall appreciate deeply if this is also kindly confirmed in the collateral letter referred to in paragraph 1.

4. I may also add that I would like that an agreement according to Clause 4 of the Instrument of Accession[4] will be duly executed.

5. I further wish to make it clear that the accession of my State for the subjects mentioned in the Schedule to the Instrument of Accession will be for

[1] See R/3/1/139: ff 214–6 for the statement of limitations.
[2] No. 234.
[3] Emphasis in original.
[4] Enclosure 1 to No. 313.

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the purposes of legislation and policy only and that the functions in relation to the administration in this State of laws of the Union Legislature which apply therein shall be exercised by the Ruler of this State and the persons authorised by him to the extent agreed between the Governor-General and the Ruler of the State.

6. When I was in Delhi last I was given to understand that a memorandum confirming the existing personal privileges of the Rulers and members of their family will be issued in due course. I am awaiting this memorandum.[5]

Yours Sincerely,

P. GAEKWAR[6]

[5] There is no reference on the file to a memorandum of this nature.

[6] There is no reply to this letter on the file, but see No. 489. paras. 44–6 for the outcome. See also, with reference to para. 3 of the Gaekwar's letter, Nos. 201, p. 296, 297, para. 4 and 424 and its note 3. Mr. V. P. Menon later recalled the issues raised by the Gaekwar in the following manner: 'Some rulers signed the Instrument of Accession and forwarded it with covering letters which laid down conditions subject to which the accession had been signed. They were told that the execution of the Instrument of Accession must be unconditional and they subsequently complied.' V. P. Menon, *The Story of the Integration of the Indian States*, Orient Longmans, 3rd edn., 1961, p. 115.

412

The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: f 210

SECRET QASR-I-SULTANI, BHOPAL, *10 August 1947*

My dear Lord Mountbatten,

In the event of my deciding to abdicate on or just before the 15th August, would it be possible to extend for about ten days the time limit for signing the Instrument of Accession?[1] This would, I think, be only fair to my Successor, Princess Abida Sultaan, who naturally would want a breathing time for the purpose.

I am not doing this, I assure you, to gain time. I am delaying my final act with the intention of doing everything possible in finding a solution which would enable me to sign our death warrant with a clear conscience. If I fail to find such a solution, I must abdicate rather than take any action which, in my judgment, is not in the true interests of my dynasty and my people.

Yours sincerely,

HAMIDULLAH

[1] cf. No. 385, paras, 7–8.

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The Maharaja of Bikaner to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 208–9

LALLGARH, BIKANER, RAJPUTANA, *10 August 1947*

My dear Lord Mountbatten,

I much regret that in the rush of the last few weeks I was not able to acknowledge Your Excellency's letter to me dated the 6th July.[1]

There was one point in that letter about which I desire especially to convey my most grateful thanks to you. I refer to the action which you so kindly and promptly took after your talk with Mr. Panikkar in regard to the protection of the interests of the States in the matter of our agreements with British India. Your Excellency can well appreciate how vitally this affects my State and people in particular in regard specially to the maintenance of our water agreements with the Punjab. The clause in the Indian Independence Act [? Bill] that all agreements were thereby abrogated caused us great uneasiness and anxiety. The Princes had not intended that in asking for the elimination of paramountcy in the new Constitution commercial and administrative agreements should also cease. The amendment gives us statutory protection in this respect which will now be supplemented by the Standstill Agreements which the States will enter into with the Dominion of India.

I repeat that I and my Government are indeed extremely grateful to Your Excellency for the immediate action you were pleased to take which has, I am happy to feel, greatly helped to safeguard the interests of my State.

With kindest regards,

Yours very sincerely,

SADUL SINGH

[1] In this letter Lord Mountbatten mentioned that he had had an interesting talk with Sardar Panikkar (see Vol. XI, No. 446), that he realised the difficulty about the repudiation of some of the administrative agreements with the States, and that a proviso had been inserted in Clause 7 of the Bill (see No. 164, Clause 7 (1) for this proviso in the Act) which met the Maharaja's point to some extent without affecting the lapse of paramountcy. R/3/1/138: f 83.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/157: f 268

IMPORTANT *10 August 1947, 10.50 am*
CONFIDENTIAL *Received: 10 August, 5.14 pm*

No. 249–C. Award of Bengal Boundary Commission. It is essential that we should have at least 24 hours notice for putting on the ground effectively our internal security arrangements in Calcutta on publication of award. I should be most grateful if you could let me know the date, time and method of publication.

415

The Resident at Hyderabad to the Secretary to the Crown Representative

Telegram, Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(b)

IMMEDIATE *10 August 1947, 1.40 pm*
CONFIDENTIAL *Received: 10 August, 5.00 pm*

No. 87/P. Hyderabad State Forces have not yet received 2,51,758 rounds of ammunition for which they have forwarded indents. Their Chief of Staff certifies that indents are to complete scale and that State Army holds an equivalent number of fired cases. The State Police have also not yet received 1,83,883 rounds of various ammunition for which they have indented.

2. State Government point out that they are now faced with emergency owing to likelihood of widespread disturbances in State and to enable them to meet situation have applied for 2,00,000 rounds of SAA and 48,700 rounds of .410 ammunition from reserve maintained in Secunderabad Ordnance Depot on their behalf against emergency.

3. In view of acute communal tension in State I consider Nizam of Hyderabad Government's apprehension of widespread disorder in State to be well founded and to enable them to meet emergency am passing on their present indent to Secunderabad Sub Area for compliance.[1]

[1] No reply to this telegram has been traced but cf. No. 179.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of—Part (3)

IMMEDIATE NEW DELHI, *10 August 1947, 4.10 pm*
CONFIDENTIAL *Received: 10 August, 3.40 pm*

No. 3311-S. My 3285-S dated August 9th.[1] Oaths of office etc. Following is form of combined oaths of Allegiance and Office for Governor-General suggested by Jinnah which he hopes will be acceptable.

Begins: I, Muhammad Ali Jinnah, do solemnly affirm true faith and allegiance to Constitution of Pakistan as by law established, and that I will be faithful to His Majesty King George 6, his heirs and successors, in office of Governor General of Pakistan. *Ends.*

2. Only alterations suggested by Jinnah for Governors and Ministers in oaths of Allegiance and Office and Secrecy,[2] substitution of "solemnly affirm" for "swear" and omission of words "so help me God."

3. Please telegraph immediately whether this is accepted and alter forms of Commission for Pakistan accordingly.[3] I propose to keep to forms already agreed for India.[4]

[1] Explaining that he believed Mr Jinnah intended to suggest a slightly different form of oath for the Governor-General of Pakistan. L/P &J/10/142: f 20. See also Nos. 215 and 257, para. 2.
[2] See Nos. 273 and 274. For Governors and Ministers of Pakistan, read 'Constitution of Pakistan' in place of 'Constitution of India' in formulas A and B in No. 274.
[3] Lord Listowel replied in tel. 10450 of 12 August that he was submitting to the King the form of oath for Pakistan. L/P &J/10/142: f 9.
[4] See Nos. 215, 273 and 274.

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Sir A. Hydari (Assam) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/157: f 269

MOST IMMEDIATE *10 August 1947, 9.40 pm*
CONFIDENTIAL *Received: 11 August, 6.00 am*

No. 175-MSG. Sylhet Boundary Commission. If I am in order please consider the following representation from my Government. *Begins:* The road to Chachar and Lushai Hills from Khasi Hills skirts northern fringe of Sylhet District. Unless we build an alternative route through difficult hilly country

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which will be expensive this road is Assam's only present means of communication to these two districts. Assam should therefore under term "other factors" mentioned in terms of reference be allotted this road with a narrow strip on either side sufficient to enable road being kept in operation. This narrow strip of territory inhabited predominantly by non-Muslims. *Ends.* My personal view is that this road is so vital to Assam's communications that if Government's request granted by Chairman of Boundary Commission I would be able to persuade my Ministers to abate (gr: cor:) their claims to some other parts of Sylhet District. Such concession would also I think assist growth of good feeling between Assam and East Bengal which it is in economic interests of both Provinces to foster.[1]

[1] Lord Mountbattern replied in tel. 3329–S of 11 August: 'Radcliffe's Secretary has seen your telegram and it has been verified that Commission is fully seized of the point made by you on behalf of your Government.' R/3/1/157: f 275.

418

Sir G. Abell to Governor's Secretary, Sind

Telegram, Mountbatten Papers. Official Correspondence Files: Pakistan

IMMEDIATE *10 August 1947, 11.00 pm*

CONFIDENTIAL

No. 3312–S. Please pass following to Hon'ble Home Member in reply to his telephone enquiry this morning.

Begins. At 2100 hours on August 9th a Pakistan special train ran over a mine on the track 15 miles west of Bhatinda in East Punjab. The mine exploded, blowing 11 feet out of the track and derailing the engine and six coaches. Casualties 1 women and 1 child killed, 10 persons slightly injured. Relief trains have gone out from both directions and the passengers have been moved on. Punjab Government have been asked to make special arrangements for guarding the track in future. *Ends.*

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Record of Interview between Sir W. Monckton and Lord Ismay

Monckton Trustees No. 39: f 122

SECRET NEW DELHI, *10 August 1947*

I arrived in Delhi at 4 and had an interview with Lord Ismay before seeing the Viceroy at 5.30. I explained to Lord Ismay that the position was made intoler-

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able by the refusal of Congress to negotiate unless we first agreed to accede. I drew his attention to the paragraph[1] in H.E.H.'s letter to the Viceroy in which complaints were made about the refusal to negotiate about Berar or Standstill Agreements I also showed Lord Ismay the letters[2] I had written to my old colleagues in the Conservative Party and told him that these letters were on their way to England and would be delivered, unless we were satisfied that this improper pressure would stop. I particularly stressed to him the threats that Hyderabad would be blockaded on the 15th August. He said he could not believe this was really intended. If it was, it was intolerable.

[1] See No. 376, para. 5. [2] See No. 390.

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Record of Interview between Sir W. Monckton and Rear-Admiral Viscount Mountbatten of Burma

Monckton Trustees No. 30: ff 51–2

SECRET NEW DELHI, *10 August 1947*

1. Lord Ismay and V. P. Menon were present when I delivered H.E.H.'s letter[1] to the Viceroy in an interview from 5.30 to 6.30. The letter was not read, but I explained its contents and asked the Viceroy to study it afterwards. He assured me that he would not be a party to any improper pressure by blockade or otherwise of Hyderabad. He had already explained to his Cabinet the special difficulties in which the Nizam was placed and he thought, without committing himself, that an offer of co-operation on the lines which I had described would justify the continuance of negotiations for a month or two.[2] During this period the offer of accession would still be kept open on the terms which would no longer be available for other States (with one exception) after the 15th August. The one exception was Bhopal where there was a possibility of a ten-day extension for special reasons.

2. I asked for an assurance of the continuance of the *status quo* in Berar during the progress of negotiations after the 15th August. H.E. said he was prepared to consider this which seems to him reasonable. I also asked for an assurance that, during the extended period for negotiations, existing administrative arrangements would continue whether or not formal agreements were reached. H.E. said that he would endeavour to include an assurance to this effect in his reply to the Nizam's letter. I told the Viceroy that the Nizam and his Government had heard from many sources of an intention to blockade the State and

[1] No. 376; see also No. 389, Item 3 and its note 5.
[2] cf. No. 385, para. 18.

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cut it off from outside contacts on the 15th August. He said that he would be all against such a policy which would be, he agreed, contrary to the policy of H.M.G. V. P. Menon added his assurance that such a blockade was not intended in the case of Hyderabad.

3. H.E. also said that he proposed in his speech which would be broadcast throughout the world to explain that Hyderabad had special problems which made it desirable to extend in its case the period open for negotiations about the future relationship with the Indian Union.

4. The interview ended with the suggestion by the Viceroy that I should have discussions separately with V. P. Menon and himself tomorrow, Monday, the 11th August, and I agreed to make the necessary arrangements.

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Sir W. Monckton to the Nizam of Hyderabad

Telegram, Monckton Trustees No. 30: f 64

IN CODE *10 August 1947*

Delivered Your Exalted Highness letter[1] to Viceroy[2] and am having further interview tomorrow. Suggest no publicity for letters till after tomorrow's interview when I will telegraph. Do not anticipate immediate rejection of offer. Have asked for assurances about *status quo* in Berar and continuance of existing administrative arrangements whether or not formal standstill agreements are made. Shall have to remain in Delhi till Tuesday[3] but will send report by Ali Yawar Jung to reach you tomorrow night. Respects.

WALTER MONCKTON[4]

[1] No. 376. [2] See No. 420. [3] ie 12 August.

[4] The Nizam of Hyderabad replied in a coded telegram dated 11 August that he would not publish his letter at No. 376 until Sir W. Monckton returned to Hyderabad. He added: 'Please tell Viceroy that this is my last offer which means that if it is not accepted I shall publish it along [with] my letter to him dated ninth July [see No. 33 and its note 5] and will be ready to face any crisis that may arise in future.' The telegram concluded: 'I appreciate your loyal services. I am glad Jinnah approved our draft letter to Viceroy.' Monckton Trustees No. 30: f 65.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Pakistan

IMMEDIATE NEW DELHI, *10 August 1947, 11.55 pm*
SECRET *Received: 11 August, 8.30 am*

No. 3322–S. In my last VPR[1] I reported the difficulty that has arisen about the order governing the vesting of assets and liabilities. After the final meeting of the Partition Council[2] it became quite clear that we could not accept a break-down without making a further effort, but it was extremely difficult to see where the solution lay.

2. After discussions here I sent Cooke, who has handled this matter splendidly, to Karachi with Mohammad Ali. On the assets issue they drafted a revised formula which merely vests the control repeat control in the Dominion where the assets are, and defines control as including all the incidentals of ownership. This is a face saving device which both sides now accept.

3. Liabilities are more difficult. Jinnah maintains his opposition to any settlement by which Pakistan becomes indebted to India to the extent of her share of the present public debt (about Rs. 200 crores).

4. He and his Government have however been given to understand that if no agreement is reached I am likely to put the matter to you since I am advised that to pass no order will involve a grave and unnecessary risk to the credit of India and Pakistan. On the other hand I do not wish to pass the order on my own responsibility because I am to be Governor-General of India.

5. After much discussion here the India Government have been persuaded to accept a scheme of repayment of the 200 crores which is very fair and reasonable. There will be a three year moratorium and the debt will then be repayable in equated[3] instalments over the next 50 years the rate of interest being not greater than the average rate paid by India on the public debt outstanding.

6. There is one further point. Pakistan claimed Rs. 100 (half of 200) crores from the cash balances as their minimum requirements for the rest of this financial year. India would only agree to 20 (half of 40) crores as a payment on account. It had been agreed to refer the balance to arbitration but India now say that they will not force Pakistan to arbitration and are prepared to discuss the matter further.

[1] No. 385, paras. 31–38. [2] See No. 344, note 1.
[3] 'equated' deciphered as 'graduated' in recipient's copy.

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7. India's attitude will be stated in a letter from Sardar Patel to me.[4] There is no further time to negotiate with Jinnah even if he were open to further negotiation. I propose to inform him of the contents of the letter, saying that I think the terms reasonable, and add that I have referred to you the question whether I should pass an order or not.

8. I am convinced that an order is necessary and I must ask you to instruct me to issue one. Cooke is flying home tomorrow morning by York service and will arrive Heathrow about 11 am on the 13th. Please arrange special facilities to get him to you as quickly as possible. He will bring the revised formula on assets for incorporation in the draft order which was telegraphed[5] to you this morning, and he can explain whole background, since he has been present at every negotiation.

9. The short point is that we shall run a grave risk, and offend India, if I pass no order. If on the other hand I do pass an order as now proposed I believe Pakistan will acquiesce, and I am firmly convinced that their essential interests are not prejudiced. On the contrary I think they have been very bad judges of their own interest in opposing issue of this order. Though it is open to Pakistan to pass an inconsistent or contradictory order on the 15th I doubt whether they will do so. In any case we shall have done our best.

10. Please telegraph most immediate as soon as you have discussed with Cooke. I must sign the order before August 15th though it may not be published till afterwards.

[4] See No. 423.

[5] Not printed. The draft order, which was transmitted in tel. 643-GT of 10 August, is on L/P &J/10/128: ff 60–62.

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Sardar Patel to Rear-Admiral Viscount Mountbatten of Burma

L/P&J/10/128: f 63

11 August 1947

My dear Lord Mountbatten,

Since I wrote to you on Wednesday last,[1] I understand that there have been further conversations between Mr. Mohammad Ali, H. M. Patel, V. P. Menon and Cooke, on the proposal that the Dominion of India should take over full responsibility for the present National Debt. Apparently the Pakistan spokesmen apprehend that if the liability which will fall to their share is converted into an inter-Governmental debt, then India as a creditor country would have an unfair advantage. I am quite convinced that this apprehension is illfounded.

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It might be of some assistance to you in considering this matter further and coming to a decision if I set out here, briefly, the lines on which India would propose that it should be dealt with. Assuming that Pakistan's share of the National Debt is converted into a loan from India to Pakistan, the loan would be repayable in 50 annual equated payments, which would commence three or four years after the 15th August, 1947. The capital amount of the loan would be settled by agreement or arbitration. For the purpose of working out the equated payments, interest would be charged at a figure as nearly as possible equal to what India herself would be paying on the various public loans involved.

You will agree, however, that these financial arrangements are technical matters which will have to be carefully examined and worked out in detail by the technical experts. Moreover, they are of such great importance that they will have to be considered formally by the full Cabinet. But I can take it upon myself to assure you that we should not ask for terms more onerous than those I have roughly outlined above.

I was told that the question of allocation of the cash balances to Pakistan was also raised in this connection. My own view has always been that this is a separate issue. We have already decided in the Partition Council[2] that 20 crores should be allocated to Pakistan at once, and the view of the Indian side is that this decision takes account of all the factors and should not require revision. It is, however, open to revision by the Arbitration Tribunal, who will be at liberty to make any award they consider just and reasonable. If Pakistan, however, would like us to reconsider the matter before it is referred to the Arbitration Tribunal, we shall be perfectly prepared to do so.

Yours sincerely,

VALLABHBHAI PATEL

[1] No. 354.

[2] Mountbatten Papers, Partition Council Minutes, 6 August 1947, Case No. P.C. 143/16/47.

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The Maharaja of Kolhapur to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 264–7

D.O. NO. H–4(2)/47 NEW PALACE, KOLHAPUR, *11 August 1947*

Your Excellency,

Yesterday I wired to Your Excellency as follows:—

> "I am glad to inform Your Excellency that I have now decided that Kolhapur State will accede to the Dominion of India according to the final draft of Instrument of Accession and I also agree to the "Standstill"

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agreement stop I have informed telegraphically today the States Department Delhi accordingly stop"

I write this to confirm the telegram.

I have already decided, as I have said above, that my State should accede to the Dominion of India. But although I do not wish to lay down any conditions for acceding to the Dominion, I must make one point which is in the minds of many Princes very clear to Your Excellency. In the course of your speech at the Conference of Princes and Ministers which met at New Delhi on the 25th March,[1] Your Excellency very clearly stated that the States were being invited to accede without any financial obligations whatsoever. I am enclosing an extract from that speech for ready reference. I feel sure that this assurance from Your Excellency persuaded many of us, Princes, to accept the invitation to accede.[2] At the time the draft of the Instrument of Accession was under consideration in Delhi, my Prime Minister and some other members of the Committee desired that the Instrument should contain a clause embodying the assurance given by Your Excellency in the course of your speech. But the Secretary of the States Department took the view that this would be quite unnecessary in view of the fact, as he put it, that the States were not acceding in respect of any taxable items. I have thought over this question with the utmost care and discussed it with eminent lawyers and feel that if a future legislature of the Dominion sought to tax our States for meeting expenditure on the subjects in respect of which the States have acceded, the natural result would be to force the States to go to the Federal Court for a judicial pronouncement regarding the legality of such taxation. That the States should thus be compelled to seek the aid of law in a matter of this kind, in connection with which we rely on the solemn word of His Excellency the Crown Representative, would itself be unfair. But apart from this, I am advised by eminent lawyers that in the absence of a clause in the Instrument itself or in the absence of a definite undertaking by Your Excellency in a more formal manner than in the course of the speech, there is a possibility of a court interpreting the instrument to mean that the acceding States undertake by implication the responsibility for providing funds for the performance of duties which by that instrument they assign to the Dominion Government. Such an interpretation would of course be in contravention of Your Excellency's statement and I feel no doubt in my mind that Your Excellency will take the earliest opportunity to clarify the point so that the assurance already given by Your Excellency may have to be treated in future as part of the agreement (or as binding as such a part) by which the State accedes to the Dominion of India.

I do not mean that the interpretation I have referred to above would be an absolute certainty. But no one knows what course a court may take and I therefore earnestly request Your Excellency to remove all possibility of doubts ever arising on the point on which Your Excellency has specifically and gra-

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ciously given a clear assurance. Perhaps a statement from Your Excellency with a specific reference to the Instruments of Accession signed by the Rulers of States would meet the requirements of this situation.[3]

With kindest regards,
Your Excellency's very sincerely
SHAHAJI CHHATRAPATI

[1] The date should be 25 July; see No. 234.
[2] cf. Nos. 201, p. 296, 297, para. 4 and 411.
[3] Lord Mountbatten replied on 19 August explaining that as he was now a constitutional Governor-General of the new Dominion of India, and thus unable to make further statements on the matter in question, he had referred the Maharaja of Kolhapur's letter to the States Department. R/3/1/139: f 270. Mr V. P. Menon later recalled the question of the financial implications of accession in the following manner: 'It was in view of the reluctance of the rulers to part with their financial independence and also because of the shortness of time at our disposal, that we found it expedient, while inviting them to accede on defence, external affairs and communications, not to ask them for any financial commitments.' V. P. Menon, *The Story of the Integration of the Indian States*, Orient Longmans, 3rd edn., 1961, p. 433.

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The Gazette of India Extraordinary

L/WS/1/1006: f 9

NEW DELHI, *11 August 1947*

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)
NOTIFICATION

New Delhi, the 11th August, 1947

No. G.G.O. 2.—The following Order made by the Governor-General is published for general information:—

THE JOINT DEFENCE COUNCIL ORDER, 1947.

In the exercise of the powers conferred by sub-section (1) of section 9 of the Indian Independence Act, 1947, and in pursuance of sub-section (1) of section 11 thereof, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Joint Defence Council Order, 1947.

(2) It shall come into force at once.

(3) It shall cease to have effect on the first day of April, 1948:

Provided that the Governor-General of India and the Governor-General of Pakistan, acting jointly, may direct that this Order shall remain in force for such further period as may be specified in the direction.

2. (1) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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(2) In this Order,—

"Indian forces" has the same meaning as in the Indian Independence Act, 1947;

"Dominion forces" means the armed forces of the Dominion of India or of Pakistan.

3. (1) As from the 15th day of August, 1947, there shall be set up a Council known as the Joint Defence Council for India and Pakistan.

(2) The said Council, hereinafter referred to as the Joint Defence Council, shall consist of—

(i) the Governor-General of India,

(ii) the Defence Minister of India,

(iii) the Defence Minister of Pakistan, and

(iv) the Supreme Commander of His Majesty's Forces in India and Pakistan (hereinafter referred to as the Supreme Commander).

4. The Governor-General of India shall be the independent Chairman of the Joint Defence Council.

5. The person who at the date of the commencement of this Order is the Commander-in-Chief of His Majesty's Forces in India shall be the Supreme Commander.

6. (1) If a Defence Minister is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute another Minister or the High Commissioner for the Dominion concerned to attend the meeting in his place, and such other Minister or High Commissioner shall have for the purposes of that meeting all the powers of the Defence Minister.

(2) If the Supreme Commander is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute a member of his "Chiefs of Staff" committee to attend the meeting in his place, and such member shall have for the purposes of that meeting all the powers of the Supreme Commander.

7. At any meeting of the Joint Defence Council,—

(a) a Defence Minister may be accompanied by another Minister;

(b) a Defence Minister or the Supreme Commander may call in to assist him at the meeting in an advisory capacity one or more experts.

8. The Joint Defence Council shall be in exclusive control of—

(a) the division of the Indian forces between the Dominions and their reconstitution as two separate Dominion forces;

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(b) the allocation, transfer and movement of officers and men belonging to the Indian forces for the purposes of such reconstitution;

(c) the allocation, transfer and movement for the purposes of such reconstitution of plant, machinery, equipment and stores held by the Governor-General in Council immediately before the 15th day of August, 1947, for the purposes of the Indian forces;

(d) such naval, military and air force establishments as the Joint Defence Council may specify, for such temporary period as that Council may consider necessary or expedient;

(e) the general administration of naval, military and air force law, and the maintenance of discipline, in the armed forces of each of the two Dominions;

(f) the general arrangements for the payment, food, clothing, medical attendance and equipment of the armed forces of each of the two Dominions;

(g) any armed force which may be operating, or may hereafter be sent to operate, under joint command in such areas near the boundaries between the two Dominions as are for the time being declared by or under a Provincial law to be disturbed areas;

(h) any Indian forces which are for the time being overseas;

Provided that the control of the Joint Defence Council shall not extend,—

(i) except in relation to the forces mentioned in paragraphs (g) and (h) of this Article, to the disposition and operational control within the Dominion, and the local administration, of the armed forces of either Dominion, or

(ii) to the selection and recruitment of officers and men for the armed forces of either Dominion and their training, when such training takes place elsewhere than in a training establishment specified by the Joint Defence Council under paragraph (d) of this Article;

Provided further that the Joint Defence Council shall cause such measures to be taken as will enable them gradually to withdraw their control in respect of all or any of the matters mentioned in paragraphs (d), (e) and (f) of this Article with a view to the cessation of control as early as may be practicable and in any event before the 1st day of April 1948.

9. The executive authority of each of the two dominions shall be so exercised as to give full effect to any orders or directions that may be made or given by the Joint Defence Council in the exercise of the powers conferred on them by this Order.

10. The Supreme Commander shall be responsible for giving effect to the decisions of the Joint Defence Council and shall act in conformity with such directions as may be given to him in that behalf by the Joint Defence Council.

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11. The posting and promotion of any officer of His Majesty's forces who is not a member of, but is attached to or serving with, any of the Dominion forces, shall be made only in consultation with the Supreme Commander.

12. Where by virtue of the provisions of this Order any members of the Indian Forces are for the time being subject to the command or control of the Supreme Commander, the Supreme Commander shall exercise—

(a) in the case of such members as are subject to the Indian Army Act, 1911, the powers of the Commander-in-Chief under that Act; and

(b) in the case of such members as are subject to the Indian Air Force Act, 1932, the powers of the Air Officer Commanding-in-Chief under that Act; and when any such powers are so exercised by the Supreme Commander, the powers of the Central Government under the Indian Army Act, 1911, or as the case may be, the Indian Air Force Act, 1932, shall be exercisable by the Joint Defence Council.

13. There shall be two Joint Secretaries of the Joint Defence Council nominated, respectively, by the Governor-General of India and the Governor-General of Pakistan, and such other secretarial staff as may be appointed by or under the authority of the Joint Defence Council.

14. There shall be set up by order of the Joint Defence Council a financial and accounting organisation charged with the duty of scrutinising and advising on proposals involving expenditure, giving financial sanction thereto and accounting for all the expenses referred to in the next succeeding Article.

15. All expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of this Order shall be borne by the Dominions of India and Pakistan in such proportion as may be determined by the Joint Defence Council.

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.

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Memorandum by Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Bhopal

VICEROY'S HOUSE, NEW DELHI,
11 August 1947

His Highness came to see me at 11 o'clock this morning.

I showed His Highness my draft reply to his letters of the 10th August[1] and he was kind enough to say that he would gladly write to put on record that I had at no time brought any form of pressure to bear on him as to his future course of action, and that he remembered that on the 23rd March, the day of my swearing-in, he had forecast the possibility of his abdicating in favour of his daughter at some time in the near future. He assured me, therefore, that his abdication had nothing whatever to do with any pressure on my part.

We agreed that I should split my letter into two parts, one part dealing with the extension he had asked for, which was awaiting confirmation from Mr. V. P. Menon, which would remain private; and the other, an open letter about the abdication to which he would reply also by an open letter, which would be suitable for publication should the occasion for publication arise.[2]

He made it very clear to me that the fact that he was perfectly satisfied with my handling of the situation as I had found it, did not mean to say that he was satisfied with the situation that HMG had created for him and the Princes.

I pointed out to the Nawab that I could not send off any letters until I had seen Sardar Patel this afternoon and obtained his agreement to the 10-day extension which H.H. had asked for; and that with his concurrence Mr. Menon should send the letter requested. I said, however, that although hitherto Sardar Patel had never refused any single demand I had put forward in dealing with any State, I had been warned only this morning by Mr. V. P. Menon that Sardar Patel had received information which would make it most unlikely that he would accede to my request for an extension.

I told H.H. the story that Sardar Patel had received was to the effect that H.H. had made contact with the young Maharaja of Jodhpur and induced him to come with him to Mr. Jinnah.[3] That at this meeting Mr. Jinnah had offered extemely favourable terms on condition that they did not sign the Instrument of Accession, and that he had even gone so far as to turn round and say to the

[1] See No. 412. In another letter dated 10 August the Nawab of Bhopal referred to the record of his discussion on 6 August with Lord Mountbatten, Mr Menon and Sir Zafarullah Khan, and mentioned that he wanted an extension of the time-limit for signing the Instrument of Accession to enable Bhopal State to see what decision Kashmir and Hyderabad would take. R/3/1/139: f 211. No record of an interview on 6 August has been traced but cf. Nos. 366 and 385, paras. 7–8.

[2] See No. 435 and its Enclosure for the letters as issued.

[3] cf. No. 385, paras. 58–60.

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Maharaja of Jodhpur: "Here's my fountain pen; write your terms and I will sign it."

The story continued that after I had sent for the Maharaja of Jodhpur and had a discussion[4] with him and had sent him to see Sardar Patel who had satisfied all his demands, the Maharaja had flown back to Jodhpur promising to come back that night or the following morning and to go straight to Sardar Patel to give him his decision.

The story goes that the Maharaja of Jodhpur returned on Sunday morning, but it was uncertain as to which airfield he would land at. H.H. of Bhopal was supposed, therefore, to have sent a staff officer in a car to each airfield—Palam and Willingdon—to make quite certain that the Maharaja should be found and taken straight to his house. He had been virtually a "prisoner" in this house and had not yet been released to keep his word and see Sardar Patel.

I pointed out to His Highness that no amount of friendship would enable me to protect either himself or his State or the new Ruler of the State if the future Government of India thought that he was acting in a manner hostile to that Government by trying to induce an all-Hindu State to join Pakistan.

His Highness then offered to tell me the true version of events, which he gave me to understand on his word of honour would be the whole truth and nothing but the truth. I gladly accepted this assurance, for having been his friend and known him for years as a man of honour I had no reason to doubt that he would tell me the truth. The following is His Highness's account, dictated in his presence:

"About the 6th August the Maharaja of Dholpur and one or two other Rulers informed me that the Maharaja of Jodhpur wished to see me.[5] I said I would gladly see him at my house. When the Maharaja came he told me that he was particularly anxious to meet Mr. Jinnah as quickly as possible to know what terms Mr. Jinnah would offer.

"As Mr. Jinnah was very busy and on the eve of his departure from Delhi to Karachi and I had fortunately secured an interview with him that afternoon, I invited the Maharaja of Jodhpur to come along with me. The Maharaja therefore came back to my house and we drove together to Mr. Jinnah's house.

"At this interview His Highness asked Mr. Jinnah what terms he was offering to those States who wished to establish a relationship with Pakistan. Mr. Jinnah said: 'I have made my position quite clear; we are ready to come to treaty relations with the States and we shall give them very good terms, and we shall treat them as independent States.' They then discussed certain details about port facilities, railway jurisdiction and the supply of food, arms and ammunition. The question of whether he should or should not sign an instrument of accession never arose.

"I returned to Bhopal and while I was there I received a telephone message from Delhi, from H.H. of Dholpur and other Rulers, to the effect that His

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Highness of Jodhpur was returning to Delhi on Saturday and that he wanted to meet me. I replied that I was in any case coming back to Delhi on Saturday.

"I arrived back in Delhi on Saturday morning and received a message at the airfield from H.H. of Dholpur asking me to come straight to him. On arrival he told me to wait with him since the Maharaja of Jodhpur was at present in with the Viceroy and was expected to come straight back at the conclusion of the interview. The Viceroy however kept him longer than was expected, so that H.H. of Jodhpur did not have time to come to the house but sent a telephone message to say he was going direct to the airfield to fly back to Jodhpur but was returning that evening.

"Since the message did not say which airfield he was taking off from, H.H. of Dholpur sent two ADCs in two cars to Palam and Willingdon respectively, to try and catch H.H. of Jodhpur before he left. It is possible that one of these two cars may have been mine because mine was waiting outside the door, but I am still unable to confirm that it was used.

"One of the ADCs caught H.H. of Jodhpur who sent back a message to the effect that he was coming back that evening. I then went back to my house. His Highness of Dholpur came to see me on Saturday evening to say that H.H. of Jodhpur had not come back that night. On Sunday morning it appears that H.H. of Jodhpur got back, but I do not know what time as he never communicated with me.

"At about 1.30 p.m. I received a message from H.H. of Dholpur inviting me to lunch. I replied that I did not wish to have lunch but would come at 2 o'clock. On arrival I found H.H. of Jodhpur there and he had brought with him his Guru whom he introduced as his philosopher and guide. This was the first time I had seen H.H. of Jodhpur since our meeting with Mr. Jinnah.

"H.H. invited us all to have discussions with his Guru and H.H. of Dholpur and other Rulers entered into a lengthy discussion with him, but I myself only contributed a few words to the conversation.

"As I was leaving, His Highness of Jodhpur said he was coming to see me on Monday morning at 10 o'clock. This morning (Monday) he kept his promise and came at 10. He told me that his Guru had been unable to make up his mind but that he himself had decided that he would not leave the Union of India. I

[4] No record of an interview at this time between Lord Mountbatten and the Maharaja of Jodhpur has been traced.

[5] In his letter of 12 August to Lord Mountbatten, the Nawab of Bhopal corrected a 'slight error of facts' in this sentence by pointing out that the Maharaja of Dholpur was not one of those who had spoken to him and that the message had been delivered by two or three other Princes. He added: 'The rest of my whole account with you is correct.' In the same letter, Bhopal commented on an 'allegation' that he had been involved in the attempt 'to make Baroda change his mind' (cf. No. 385, para. 59). He denied this, emphasising that he had never suggested to the Maharaja of Jodhpur that he should try to persuade the Gaekwar to change his mind and that he had not known that Jodhpur intended to go to Bombay to meet the Gaekwar. Mountbatten Papers, Official Correspondence Files: Bhopal.

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replied that I considered His Highness was the master of his own State and I would not attempt to influence his choice one way or the other."

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Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Bikaner

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

EXPRESS NEW DELHI, *11 August 1947, 11.30 am*

EN CLAIR

No. 646-GT. Your Highness' telegram of August 10th[1] about the Punjab Boundary award.

2. This matter is not one in which I can intervene or attempt to influence the decision of the Chairman. The award will shortly be published, and it will then be necessary for your state to make any consequential arrangements necessary with either or both governments.

3. I am afraid I cannot see your Prime Minister and Chief Engineer on this subject since I have absolutely nothing to do with the findings of the Boundary Commission.

4. Thank you for your letter of August 8th.[2] I am following this up.

[1] See No. 405 and its note 1. [2] Not traced.

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Lord Ismay to Mr Liaquat Ali Khan

R/3/1/157: f 274

PRIVATE AND PERSONAL *11 August 1947*

My dear Mr. Liaquat,

I was dumbfounded to receive the private message[1] which you have sent me through Mahommed Ali. As I understand it, the gist of the message is as follows:—

(1) Gurdaspur or a large portion of it has been given to East Punjab by the award of the Boundary Commission. The report is that this is a political decision, and not a judicial one:

(2) If this is so, it is a grave injustice which will amount to a breach of faith on the part of the British.

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Before giving you my comments on these points, let me state the background as I see it.

(1) The Viceroy has from the outset made it absolutely clear that he himself must have nothing to do either with arbitration of any kind or with the Boundary Commissions.

(2) The Indian leaders themselves selected all the Boundary Commissions, drafted their terms of reference and undertook to implement the award, whatever it might be.

(3) The Viceroy has always been, and is determined to keep clear of the whole business. As I told you only last week, his reply to Sir Cyril Radcliffe's enquiry about the interpretation of a certain point in his terms of reference was that the Viceroy did not feel justified in even expressing a view.[2]

Thus, I am at a loss to know what action you wish me to take on your message. In the first place, I am told that the final report of Sir Cyril Radcliffe is not yet ready, and therefore I do not know what grounds you have for saying that Gurdaspur *has been*[3] allotted to the East Punjab.

Secondly, if this should be the case, you surely do not expect the Viceroy to suggest to Sir Cyril Radcliffe that he should make any alteration. Still less can I believe that you intend to imply that the Viceroy has influenced this award. I am well aware that some uninformed sections of public opinion imagine that the award will not be Sir Cyril Radcliffe's but the Viceroy's,[4] but I never for one moment thought that you, who are completely in the know, should ever imagine that he could do such a thing.

Yours very sincerely,

ISMAY

[1] This was a verbal message; see No. 485, para 4.
[2] Presumably a reference to No. 318 and its Enclosures.
[3] Emphasis in original. [4] cf. No. 326.

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Lord Ismay to Sir F. Messervy

Mountbatten Papers. Official Correspondence Files: Armed Forces, Indian, Volume I, Part II

SECRET AND PERSONAL *11 August 1947*

My dear Frank,

The Viceroy has asked me to thank you for your secret and personal letter No. 19/GOC of 6th August[1] and to reply to it.

[1] Not traced.

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It was made clear at the Partition Council that India would almost certainly not require the five Animal Transport Regiments and two Mountain Regiments, but their representatives were not in the least bit shaken and insisted on their full pound of flesh. It therefore seems to me that your only chance of getting hold of these animals and equipment would be to suggest a swop for something that India did need, e.g. field artillery and motor transport.

As for the question of persuading India to allow their four battalions to remain on the Frontier for a moment longer than is necessary, or of their recognising that they have any share of the responsibility for watch and ward on the North West Frontier, I am afraid that, in the present state of feelings, there is not even a shadow of hope.

The Viceroy suggested the other day to the Indian representatives on the Joint Defence Council that they might assist in the defence of the Frontier with their air forces, but their reply was an emphatic negative.

I still cling to the hope that the Joint Defence Council, which is for the moment merely charged with the reconstruction of the Armed Forces, may *in time*[2] develop into a body which will foster unity of doctrine, unity of equipment and unity of policy between India and Pakistan.

Meanwhile, the only thing that we, who are left in India, can do is to strive to get them to co-operate in any way that we can.

Yours ever

PUG

[2] Emphasis in original.

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Note by Mr Morris-Jones[1]

R/3/1/152: ff 26–7

11 August 1947

NOTE ON THE RIGHT OF SECESSION

1. In considering first the position as regards the right of secession in the case of existing Dominions, it is clear that the Statute of Westminster contains two contradictory pointers:—

(a) The statement in the preamble that "it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom" does clearly mean, as Prof. Keith insists, that unilateral action to secede is contrary to that portion of the Statute.

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(b) On the other hand, it is equally clear that Section 2 of the Statute itself stating that "no law .... made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England or to the provisions of any existing or future Act of Parliament of the United Kingdom ...." was intended to remove inequalities of status as between the Dominions and the U.K. and in this way to confer on Dominion Legislatures powers parallel to those of the U.K. Parliament.

2. From this it follows that if either part of the Statute is taken by itself, a case can be made out for or against the right of secession. Prof. Keith has concentrated his attention on the Preamble and thus reaches a conclusion which denies the right of secession. Prof. Wheare, on the other hand, in the passage quoted by Sir B. N. Rau (but not in the general theme of the book) concentrates on Section 2 of the Statute and reaches a conclusion which admits the right.

3. It is true that it is possible to argue—as C. J. Lord Caldecote did—that Section 2, while permitting a Dominion to pass legislation repugnant to an Imperial Act, left untouched the convention stated in the Preamble. But it would seem to be open to a Dominion to argue that the spirit of the Section is contrary to the letter of the Preamble.

4. There is, moreover, an important difference between the two passages of the Statute. The Preamble is a recital of constitutional convention while the Section is an enactment of strict law. Now, without entering into any discussion as to the relative sanctity of laws and conventions, it can at least be said that whereas laws can be repealed or abolished only by new laws, conventions may be modified by new conventions.

5. It would therefore appear that the issue is even more open than Sir B. N. Rau has suggested, for there is no real quarrel between the views of Prof. Keith and Prof. Wheare. The former has pointed out the position according to convention, the latter that according to law. Granted this, a Dominion would not be on weak ground if it argued that—

(a) the convention stated in the Preamble, though well-established, is susceptible of change and can certainly not be employed to keep within a "free" association of nations one which wishes to secede.

(b) the entire intention of Section 2 of the Statute is not clear but one implication is the full equality of status enjoyed by Dominion Legislatures—which carries with it the corollary that they are not bound except in so far as they desire to bind themselves.

6. The fact that Eire has never "declared that the right to secede has in fact

[1] Mr Morris-Jones had evidently been sent a copy of Sir B. N. Rau's note (Enclosure to No. 314) by Sir G. Abell. He returned it on 11 August together with the comments printed here.

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been exercised" may well be due to nothing more than her willingness to create an obscure situation which might leave her free to claim benefits and equally to avoid restrictions.

7. If the position so far as the Statute of Westminster Dominions are concerned is such as to leave it open for a Dominion to argue on the lines of para 5 above that the right of secession does exist, the factors mentioned by Sir B. N. Rau in his last para as peculiar to the new Dominions make the existence of the right in their case almost beyond question. It is also important to note that in the interpretation of the India Independence Act, account would have to be taken of HMG's June 3 Statement[2]—especially the last sentence of para 20 which grants the right of secession.

M. J.

[2] Vol. XI, No. 45.

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Mr Attlee to the Earl of Listowel

R/30/1/12: f 36

11 August 1947

Prime Minister's Personal Minute: Serial No. M307/47

Secretary of State for India,

I have received your Minute Serial No. 144/47 of the 9th August[1] about the future of the India Office and its contents.

It is important that this matter should not be allowed to become the subject of a long-drawn argument which might create ill-feeling. I should like the question to be put to Mountbatten to see whether it is possible for him to get a quick settlement.

Possibly an Official Committee will be needed to ascertain the facts of the position, but if so, the Committee should be small, should confine itself mainly to fact-finding and should be instructed to report quickly.[2]

C. R. A.

[1] No. 399; see also No. 400.

[2] In tel. 10669 of 14 August Lord Listowel explained that the Prime Minister was anxious to obtain Lord Mountbatten's views on the future of the India Office and its contents and suggested that when they were ready they should be communicated privately to Sir T. Shone who would transmit them to the Secretary of State for Commonwealth Relations. In tel. 640 of 21 August Shone transmitted, on behalf of the Governor-General of India, the following recommendations: (1) that H.M.G. should undertake immediately the preparation of lists of assets etc; (2) that the U.K. High Commissioners of India and Pakistan should receive instructions to raise the question of disposal of these assets with the respective governments at an early date; (3) the High Commissioners should try to get agreement in principle that the question should be examined first by a Joint Fact Finding Committee, with the India and Pakistan High Commissioners in the U.K. as possible members; (4) that once agreement to (3) above had been obtained, a public announcement agreed between the three governments concerned should be issued to the effect that the disposal of the assets of India and Pakistan in the U.K., eg buildings, records and articles of historical and cultural value, would be discussed by a special Inter-Government Committee. L/S & G/7/927: ff 302–5 and 282.

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Note by Major General D. C. Hawthorn[1]

R/3/1/171: ff 51–2

TOP SECRET *11 August 1947*

1. The Civil arrangements for splitting the Punjab are proceeding rapidly and a few days ago a new Hindu Supdt of Police arrived in Amritsar to take over. His first act was to disarm the Muslim members of the Police Force. This has created considerable alarm and despondency. The Police Force in Amritsar has decreased by 30%. The Muslim Police are most anxious for their own safety and for that of their families. The Governor has taken prompt action and this Hindu Supdt of Police has been transferred to the Kangra Valley. The Muslim Police are being evacuated under Civil arrangements to Western Punjab. The harm has however been done and with this reduction in the efficiency of the Police Force more and more calls are being made on the troops of the Punjab Boundary Force.

2. The refugee problem mainly from Eastern Punjab to Western Punjab is becoming increasingly difficult and more and more of the population is on the move; naturally the Civil are demanding escorts from the Punjab Boundary Force to protect these defenceless refugees as they move and the Commander, Punjab Boundary Force is doing what he can.

3. The disturbances are producing an average daily killing of about 100 people with occasional large raids in which 70 to 80 people are killed at one fell swoop. There have been two of these in the last few days, one in which the victims were Muslims and the other in which the victims were Sikhs and Hindus. A Lieut in 3 Mahar who went on a few days leave to his home was liquidated with his entire family. The GOC did not know his name.

4. The bigger raids are usually carried out by well armed and well led Gangs. Information is generally being received too late. This is due to the "sources" of information drying up and the general pull-out of Europeans.

5. There is no doubt that but for the presence of troops an uncontrolled massacre would now be taking place.

6. The Government of Eastern Punjab which is setting up is of course a very creaky machine at present.

7. The troops are unaffected[2] by the communal tension and are carrying out all that is asked of them magnificently.

[1] This note summarised a report which Major General D. C. Hawthorn received by telephone from the Commander of the Punjab Boundary Force at 3.30 pm on 11 August.

[2] Field Marshal Sir C. Auchinleck commented in the margin: 'How long? C.J.A.'

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8. The GOC pressed for the arrival of the Fighter Recce Sqn which was promised him. So far it has not arrived and he is being forced to use his AOP Flight for inter-communication and recce purposes. He stresses the importance of the Air from the morale aspect and says the appearance of aircraft quietens down the neighbourhood at once. Railway authorities are pressing for aircraft to be allowed to fly up and down the railway lines as they consider this will prevent, to a large extent, damage to the track by keeping saboteurs well away from the lines.[3]

9. The derailment of the train two nights ago,[4] he attributes to Sikhs and the Jeep containing the saboteurs which was chased disappeared into the State territory of Faridkot.

I am taking action re F/Recce Sqn.[5]

D. C. HAWTHORN
Maj Gen
DCGS(A)

[3] Field Marshal Sir C. Auchinleck commented in the margin: 'There are very few aircraft for the job required of them. It is quite impossible to provide air "standing patrols". C.J.A.'

[4] See No. 418.

[5] On 12 August Lord Ismay minuted to Lord Mountbatten: 'I have just received the attached privately from the Commander-in-Chief. The only really encouraging passage is paragraph 7.' In reply, Mountbatten requested a draft summary for the V.P.R. embodying paras. 1, 3, 4, 5 and 7. R/3/1/171: f 50.

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Lieutenant-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/165: f 74

IMMEDIATE — *11 August 1947, 5.30 pm*
SECRET — *Received: 11 August, 11.00 pm*

No. CA/172. Addressed Viceroy, repeated Secretary of State.

Your telegram 3265–S,[1] para 2 and Secretary of State's 10278,[2] para 8, both dated August 8th.

I saw Khan Sahib today at normal routine interview. I referred to rumours and press reports of proposals to declare Pathanistan on 15th. Khan Sahib assured me they were nonsense and there was no question of this or any other unconstitutional action. His party would not participate in celebrations of August 15th but would not interfere with them. Ministers if still in power would however attend.

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2. In view of his assurances I gave no warning nor did I refer to resignation (your 3264 dated August 8th).[3]

3. Have informed Cunningham.

[1] No. 374. [2] No. 387.
[3] No. 365, note 4. The date should be August 7th.

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Record of Interview between Sir W. Monckton and Rear-Admiral Viscount Mountbatten of Burma

Monckton Trustees No. 39: ff 130–2

SECRET *11 August 1947, 5 pm–7 pm*

During part of my discussion, Lord Ismay was present: during a further part Mr. Rahim was present in addition. Later V. P. Menon came in. In the early part of the discussion, I told H.E. how genuinely afraid I was that either now or in two months' time the Government of Indian Dominion might blockade Hyderabad and even make it incommunicado. I made it plain in Lord Ismay's presence that, if anything like that occurred, I should go in for the Dominion Government beginning with H.E. in that event. H.E. told me that, though he would not deal with this matter in writing, because he felt he could not in fairness to the future Government of the Dominion, I could assure H.E.H. that he (the Viceroy), even when he ceased to be Crown Representative, would never be a party to improper pressure or coercion of the kind I had indicated being applied to Hyderabad. He added and repeated in Mr. Rahim's presence that the Dominion Government would be extremely foolish to indulge in such action which would put them wrong in the eyes of the whole world. On the other hand, both the Viceroy and Lord Ismay pointed out that a more dangerous and likely event would be that, on the Russian model, not the Dominion Government, but the Congress party might spend time and money in creating disorderly movements inside the State and this the Governor-General could not guard against. H.E. gave the instance to Mr. Rahim of Rs. 5 lakhs having been poured into Travancore. He further added that the Congress might adopt the same measures and start the subversive movement in Hyderabad. Mr. Rahim pointed out to the Viceroy that the Congress movement in Hyderabad was not so effective, organized and on such a scale as it was in Travancore. The Viceroy replied that they would *now*[1] organize

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and overthrow the Government. He repeated, however, that he did not think that the Indian Cabinet would have selected him as Governor-General if they wished to indulge themselves in the practice which I had described.

2. He said that in his speech on the 15th August he would say that Hyderabad as the premier State, had a unique position by reason of its size, population and resources and that it had its special problems. He would go on to say that the Nizam, while not proposing to accede to the Dominion of Pakistan, had not up to the present felt able to accede to the Dominion of India but that H.E.H. had assured him of his anxiety to co-operate with the Dominion in which his State lay. He would add that, with the assent of his Government, he was continuing negotiations and hoped that a solution would be found satisfactory to all. He did not seem quite certain whether he would mention in his speech that extra period would be roughly two months.

3. In his letter[2] to H.E.H. which he would have to compose after discussion with the States Department, he expected to take the line that he welcomed the Nizam's offer to co-operate by treaty with the Dominion of India in the three essential fields. He would point out that the Dominion felt that they could get stability only if all the States within their borders were prepared to accede and he (the Viceroy) as he had already explained to the Hyderabad Negotiating Committee and the Nizam's Adviser, was of opinion that accession would be to the mutual advantage of the Dominion and Hyderabad. He would go on to say that negotiations would continue in the hope of finding a reconciliation of the views of the Dominion and the Nizam and that the Dominion Government had agreed as a single exception to the terms offered in the proposed Instrument of Accession remaining open for a further two months. I think he will also deal with our criticism of the Congress attitude to Berar by referring to the consultation of the Nizam on the recent appointment of a new Governor in C. P. and Berar which he will suggest is inconsistent with the threat to annex that territory on the 15th August. In the same sense, he will show that the Dominion Government will prepare adaptations of the 1935 Act in respect of Berar which do not, I gather, flout Constitutional law. I do not quite see how he is going to handle the question of Standstill Agreements except by expressing readiness for the continuance of existing administrative arrangments. Mr. Rahim made it clear in the course of the discussion that H.E.H. was not prepared to execute an Instrument of Accession and the Viceroy said that he understood that from the letter but that he still hoped we should find a mutually satisfactory solution.

4. The Viceroy is still anxious to go to Hyderabad and see H.E.H. His behaviour was more sympathetic as compared with the interviews that we had on the last occasion.[3] He (the Viceroy) at the same time feels helpless after

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the 15th. We felt that the Viceroy appeared to be disgusted with the behaviour which we thought the Congress would adopt. He suggested that H.E.H. should take all sections of the public into his confidence.[4]

[1] Emphasis in original.
[2] See No. 440 for the letter as sent.
[3] See eg No. 329.
[4] Sir W. Monckton sent a second telegram in code (see No. 421 for the first) to the Nizam of Hyderabad on 12 August in which he explained that Lord Mountbatten understood that Hyderabad must be free to publish the Nizam's letter at No. 376 and added: 'We are already free to publish letter ninth July [see No. 33 and its note 5] when we wish.' Monckton also stated that while he did not expect Mountbatten, who it was said still hoped to persuade Hyderabad to accede, to accept a treaty, he (Mountbatten) appreciated the Nizam's readiness to co-operate in the three essential fields and thought it worthwhile to continue negotiations for two months more. Monckton Trustees No. 30: f 66.

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Rear-Admiral Viscount Mountbatten of Burma to the Nawab of Bhopal

Mountbatten Papers. Official Correspondence Files: Bhopal

PERSONAL *11 August 1947*

Dear Hamidullah,

I have had a long interview[1] with Sardar Patel today. I promised to let you know his reactions to the proposals that Bhopal should have an extension of ten days in which to sign the Instrument of Accession and Standstill Agreement and that you might abdicate any time from now on within the next twelve months.[2]

As regards the extension, Sardar Patel pointed out that he had refused an extension to every single Ruler and Dewan who had asked him for one and that he therefore could not himself make an exception. There were two courses open to me: either to seek Cabinet approval in person or to take the matter into my own hands.

Sir Walter Monckton put in a request on behalf of Hyderabad for an extension which Sardar Patel was unable to agree to; but with his agreement I took the matter up at my last meeting with the India Cabinet. I asked them to authorise me to grant an extension to the Nizam to enable the negotiations to be continued after the 15th August. For your private information I can tell you I was successful in obtaining authority for this extension as a special exception.[3]

It would be almost impossible for me to take your case to the Cabinet since there is not further opportunity for a meeting before the 15th August, and in any case I could hardly expect to have such a success a second time, particularly as the magnitude of the problems of the two States is, as you would be the first to admit, of a different order.

[1] Not traced. [2] See Nos. 412 and 426. [3] See No. 385, para. 18.

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I have therefore obtained Sardar Patel's consent to the second course, namely that if you will sign and date the Instrument of Accession and Standstill Agreement before midnight on the 14th August and then hand them personally to me I will lock them up in my private case and undertake not to deliver them to the States' Department until 25th August, unless you authorise me to deliver them earlier. I will further undertake to hand them back to you any time up to the 25th August should you change your mind and not wish to accede. I hope you will agree that this will in effect give you your ten days extension, whilst not embarrassing Sardar Patel. I need hardly point out the absolute need for complete secrecy over this special treatment which you are being accorded. I have asked Sardar Patel equally to maintain secrecy.

As regards abdication I feel myself that it would be unfair to your daughter and put you in a very bad light in the eyes of the world if you were to abdicate on any date near the 15th August, as it would appear to put an unfair burden on so young a girl ruler at such a very critical time—(a sort of "escape" at her expense). As regards my own position, this would be adequately covered by your kind undertaking to exchange letters for publication. Therefore it is entirely a matter of what the world would think of you and the chances that you give your daughter of making a success of her new position.

I think that the best compromise would be if you were to abdicate any time during the month of October. This I feel would cover all the objections which I have raised above whilst releasing you at the earliest reasonable moment. Sardar Patel has given me his personal assurance that your continuation as Ruler of Bhopal in the early stages, so far from damaging the prospects of Bhopal, will make the India Government far better disposed towards your state since they will realise that you are trying to avoid embarrassing them by not choosing an awkward date for your abdication.

Therefore my private but most earnest advice, Hamidullah, is that you should sign the Instrument of Accession and Standstill Agreement as soon as possible and give it to me to keep until you have made up your mind one way or the other; and that if you decide to abdicate, you should not do this until October.

No one can make up your mind but you and whatever your decision I need hardly assure you that it will not affect our friendship.

Yours ever,

DICKIE

P.S.

I enclose an official letter which I should like to publish in the event of your not taking my advice and after all abdicating on or about the 15th August. I am grateful to you for saying that you will send me a reply, which I can also publish, making it clear that I have not at any time exerted any form of pressure on you in this matter.

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I shall be away from Delhi (visiting Karachi) from about noon on Wednesday 13th until after lunch on Thursday 14th. Come and see me whenever convenient and let me have the two documents as proposed. No meeting with Patel is now necessary as he agrees to all my proposals.

D

Enclosure to No. 435

11 August 1947

My dear Nawab Sahib,

You mentioned to me that you might abdicate in favour of your daughter one day. You will remember that I urged you strongly not to take any such drastic step at such a very critical moment in the history of your State.

In speaking to me you were kind enough to assure me that if you did abdicate your decision would be quite unconnected with the negotiations which you and I have been carrying on about the accession of your State to one of the Dominions. I am glad of this since I have been at pains to point out that you are a completely free and unfettered agent and that no one can compel you to take any decision against your will. You are one of my oldest friends in India and whatever decision you take my only desire is that it should be in the best interests of yourself and the people of your State.

I remain Your Highness's sincere friend,

MOUNTBATTEN OF BURMA

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Minutes of Viceroy's Seventieth Staff Meeting, Item 4

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 12 August at 5.00 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr Christie, Mr A. Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 4

THE BOUNDARY COMMISSIONS

The meeting discussed the action necessary as a result of the fact that it appeared impossible to publish the awards of the Boundary Commissions as early as had been hoped.[1]

[1] cf. No. 389, Item 1.

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HIS EXCELLENCY THE VICEROY:—

(i) directed P.S.V. to inform the Governors of the Punjab and Bengal of the delay in this matter;

(ii) directed J.P.S.V. to take all other action consequent upon the decisions reached, including a telegram to the Secretary of State.[2]

[2] An entry in Mr Christie's diary for 12 August reads as follows:

'The Staff Meeting, twice postponed, began at 5 and went on for 2¾ hours . . .

Then we got on to the Boundary Commission—V.P. showed a quite unexpected flare up of communal bias when he heard about the C[hittagong] H[ill] T[racts]. H.E. most anxious to postpone publication till after 15th. Pug [Lord Ismay] against this for administrative reasons. H.E. adamant: sent Alan [Mr Campbell-Johnson] and me to Sir C. R[adcliffe] to arrange the dates. C.R. refused flat—too many people know its ready. Stretched a point to redate 13th; will arrive complete after H.E. has gone to Karachi. Back to H.E. who had had a couple. Didn't like it, but swallowed it.' MSS. EUR. D718/3, Part 2.

Campbell-Johnson in his account of the visit to Radcliffe says that Radcliffe explained that both the Punjab and Bengal awards were complete and ready, but that the Sylhet award was not. He also states that Mountbatten was 'greatly relieved' when advised that it would therefore be physically very difficult for all three awards to come into his possession before his return to Delhi from Karachi on the evening of 14 August, or for the texts to be printed and available before the 16th—Independence Day itself being a national holiday. Alan Campbell-Johnson, *Mission with Mountbatten*, London, 1951, p. 153.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

IMMEDIATE *12 August 1947, 9.20 am*
CONFIDENTIAL *Received: 12 August, 12.00 am*

No. 228–G. Addressed to Viceroy, repeated to Secretary of State for India.

My immediately preceeding telegram.[1] Today very serious disorders in Lahore appear to be due (a) Derailment of Pakistan Special[2] (b) Continued outraging Sikhs in Amritsar District and elsewhere and (c) Disarming of Muslim Policemen in Amritsar.[3] This last action was taken under verbal instructions of Superintendent of Police designate without approval of actual Superintendent of Police and without orders of any higher authority. The officer concerned is Hindu selected by East Punjab and I have suspended him and removed him from district with knowledge of Dr. Gopi Chand Bhargava. Muslim policemen will be indispensable in East Punjab for some time and our policy was to get them to stay at their posts. Recent visit by Inspector-General seemed to have assured this but precipitate action of Superintendent of Police designate has had very serious consequences. Men have been told by West

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Punjab that they will not be employed if they desert and they appear to have returned to duty including about 50 who arrived in Lahore this morning.

2. Feeling in Lahore city is now unbelievably bad and Inspector-General tells me that Muslim League National Guard appearing in uniform and that Police are most unsteady.

3. Strength of Punjab Boundary Force is not adequate to present and future tasks. I have already reported this.[4]

[1] Possibly an unnumbered situation report despatched at 11.30 pm on 11 August but apparently dealing with disturbances during the 24 hours ending 4 am on 11 August. L/P &J/8/663: f 30.
[2] See Nos. 418 and 432, para. 9.
[3] See No. 432, para. 1. [4] See No. 382.

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The Gazette of India Extraordinary

NEW DELHI, *12 August 1947*

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)

NOTIFICATION

New Delhi, the 12th August, 1947

No. G. G. O. 9.—The following Order made by the Governor-General is published for general information:—

THE ARBITRAL TRIBUNAL ORDER, 1947

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Arbitral Tribunal Order, 1947.

(2) It shall come into force at once.

2. The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) As from the fourteenth day of August, 1947, there shall be set up an Arbitral Tribunal (hereinafter referred to as "the Tribunal") consisting of a Chairman who shall be nominated by the Governor-General and two members who shall be so nominated, one to represent the future Dominion of India and the other to represent the future Dominion of Pakistan.

(2) If the office of the Chairman becomes vacant it shall be filled by such person as the Governors-General of the two Dominions may agree to nominate as Chairman, and if the office of a member becomes vacant it shall be filled by

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such person as the Governor-General of the Dominion concerned may nominate as member.

4. (1) The Tribunal shall have power to make awards in respect of references made to it before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, by any of the bodies hereinafter mentioned being references relating to any of the following matters, namely:—

(a) the division between the Dominions of India and Pakistan, of the assets and liabilities of the Governor-General in Council;

(b) the apportionment between the Dominions of India and Pakistan of expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of the Joint Defence Council Order, 1947;

(c) the amount of assets and liabilities of the Reserve Bank of India to be transferred to Pakistan when the Reserve Bank of India ceases to be the bank of issue for Pakistan or the Central Bank of Pakistan;

(d) the apportionment between the Dominions of India and Pakistan of the current earnings of foreign exchange including current releases of sterling by His Majesty's Government in the United Kingdom, during the period when the Reserve Bank of India administers common exchange controls on behalf of both the Dominions;

(e) the division between the new Provinces of East Bengal and West Bengal, of the assets and liabilities of the existing Province of Bengal;

(f) the allocation to the new Province of East Bengal of any of the assets and liabilities of the Province of Assam;

(g) the division between the new Provinces of West Punjab and East Punjab, of the assets and liabilities of the existing Province of the Punjab; and

(h) any other matter arising directly out of partition.

(2) The bodies referred to in paragraph (1) of this Article are the bodies which on the date of the commencement of this Order are known as—

(a) the Partition Council,

(b) the Provisional Joint Defence Council,

(c) the Bengal Separation Council,

(d) the Punjab Partition Committee, and

(e) the Assam Separation Council.

and the corresponding bodies which are to be set up as from the date of the establishment of the Dominions of India and Pakistan.

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(3) Whenever the appropriate body mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraphs (a) to (g) of paragraph (1) thereof, that body shall make a reference to the Tribunal, but before the first day of December, 1947, or with the permission of the Chairman before the 1st day of January, 1948, setting out as clearly as may be the matter or matters in difference.

(4) Whenever any of the bodies mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraph (h) of paragraph (1) thereof, but is agreed that a reference should be made to the Tribunal, that body may make a reference before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, setting out as clearly as may be the matter or matters in difference.

5. (1) Whenever any of the bodies mentioned in paragraph (2) of Article 4 is unable to agree whether or not a matter is one in regard to which that body is required by paragraph (3) of that Article to make a reference in the contingency mentioned therein, that question shall be referred to the Tribunal whose decision thereon shall be final.

(2) Where a question has been referred to the Tribunal under this Article—

(a) if the two members of the Tribunal are agreed as to the decision to be given, such decision shall be the decision of the Tribunal; and

(b) if the two members are not agreed, the Chairman shall decide the question and his decision shall be the decision of the Tribunal.

6. In respect of any reference made to the Tribunal under Article 4,—

(a) if the two members of the Tribunal are agreed as to the terms of the award to be made, the Chairman shall make the award in those terms; and

(b) in the event of disagreement between the two members with regard to any matter arising out of the reference, the Chairman shall decide such matter and make the award accordingly.

Provided that the body making the reference may, at any time before the award is made, withdraw the reference by notice in writing to the Tribunal.

7. (1) Every award made in accordance with the provisions of Article 6 shall be binding on the two Dominions and all Provinces and other parts thereof, and on all persons directly or indirectly concerned in or affected by the award.

(2) Every such award shall be communicated forthwith by the Chairman to the body by which the reference was made, the Governments of the two Dominions, and the Governments of the Provinces concerned, if any.

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8. (1) The Tribunal shall have power—

(a) to make an award conditional or in the alternative;

(b) to correct any clerical mistake or error, arising from any accidental slip or omission;

(c) subject to the provisions of this Order, to determine its own procedure; and

(d) to appoint such ministerial officers as it may find necessary.

(2) The Tribunal shall have all the powers of a civil court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

9. Nothing contained in the Arbitration Act, 1940, shall apply to proceedings before the Tribunal.

MOUNTBATTEN OF BURMA,
Governor-General.
K. V. K. SUNDARAM,
Officer on Special Duty.

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U.K. High Commissioner in India to Cabinet Office

Telegram, L/WS/1/1025: f 210

IMPORTANT NEW DELHI, *12 August 1947, 1.40 pm*
SECRET *Received: 12 August, 5.07 pm*

IRKU 600. IRKU 591, paragraph 4.[1] Gurkhas.

Following repeats telegram No. 123 August 9th from H.M. Minister Nepal to Foreign New Delhi in reply to their telegram conveying text of Press communiqué.[2] Copy has just been passed to me by External Affairs Department.

BEGINS. I have explained position to His Highness the Maharaja and in the circumstances he has no objection to eight units named being earmarked now for subsequent transfer to British Army as proposed.

He asked me how many units it is proposed to retain in Armies of new Dominion of India as he has no definite information on this point other than obviously unofficial reports which have appeared in Press from time to time. Can you now give me this information for His Highness?

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Following for Mr Jawahar Lal Nehru. His Highness the Maharaja has asked me to convey to you expressions of great pleasure at agreement reached between His Majesty's Government in United Kingdom and Government of India in regard to future employment of Gurkha troops. ENDS.

[1] L/WS/1/1025: ff 211–12. [2] No. 370.

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Rear-Admiral Viscount Mountbatten of Burma to the Nizam of Hyderabad

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I (b)

12 August 1947

I have received Your Exalted Highness' letter of 8th August 1947[1] in which you offer to negotiate with the Dominion of India for a treaty in which you would make provision for the conduct of Hyderabad's foreign policy in general conformity with that of the Dominion of India and for the contribution of troops to the defence of the Dominion and for suitable agreements about Communications. I recognise Your Exalted Highness' special problems in Hyderabad and your willingness to co-operate with the Dominion of India in these three essential fields. As you know, the anxiety of the Dominion is to achieve stability which they feel cannot be adequately secured unless all the States which are situated within their borders are prepared to come into organic union with them. I myself, as I have told Your Negotiating Committee and your Adviser, believe that accession to the Union would be to the mutual advantage of the Dominion and your State.[2] But I fully understand your difficulties and I have no wish to hurry you to a decision. In the circumstances, although I shall cease to be Crown Representative on the 15th August, I have secured the assent of those who will be responsible for the Government of the Dominion to my continuing negotiations with Your Exalted Highness for a further period of two months, during which I hope we shall be able to reconcile our views.[3] During this period the offer to accede on the terms which I have already proposed will (as a special exception) remain open in the case of Hyderabad.

2. I have noted what Your Exalted Highness writes about Standstill Agreements and Berar and I am in a position to assure you that the Dominion of India are quite agreeable to the continuance of the status quo in Berar for the time being, while negotiations continue, and to the continuance of existing administrative arrangements, whether or not a formal agreement is reached dealing with this subject. I learn that Your Exalted Highness is concerned lest a decision not in present circumstances to accede would be treated as a hostile

[1] No. 376. [2] See eg No. 61. [3] See No. 385, para. 18.

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act by the Dominion and your State might be subjected to blockade,[4] but I am satisfied that the leaders of the new Dominion have no intention of applying such pressure.

On the contrary the fact that recently they consented to my consulting Your Exalted Highness before appointing a new Governor of the Central Provinces and Berar[5] shows how carefully they have been to respect the constitutional position. Further they intend to continue to maintain the correct constitutional position after the 15th August 1947, as appears from this proposed adaptation of the 1935 Act in this respect; the adaptation has been shown to your Constitutional Adviser.

[4] See Nos. 419, 420 and 434. [5] See Nos. 293 and 385, para. 15.

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Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Patiala

R/3/1/157: f 272

12 August 1947

I received Your Highness's letter of the 7th August[1] about the partition of the Punjab.

There seems to be widespread belief[2] that the boundary line on which the Boundary Commission decides will, in some way, have been approved by myself, that I can interfere with the Boundary Commission, and that I shall be responsible for the result. Nothing can be further from the truth. The Boundary Commission is a judicial body, and I have made it clear from the start that I did not frame its terms of reference, and that I should not intervene in any way in the deliberations of the Commission.

I am afraid, therefore, it has been quite impossible for me to consider handing on to the Boundary Commission the representation that Your Highness has made in your letter to me. I am sure you will understand, and I hope that you will tell others what the true position is.

With all good wishes.

[1] No. 367; see also No. 378. [2] cf. No. 326.

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Sir F. Wylie (United Provinces) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/140: ff 39–42

PERSONAL
U.P.–91

GOVERNOR'S CAMP, UNITED PROVINCES,
12 August 1947

Dear Lord Mountbatten,

When I was in New Delhi to say good-bye Your Excellency put me a question about Corfield. Even at the time I knew that I had replied inadequately. The story goes back a good deal, however, and you may care to know the background.

2. Lord Linlithgow, towards the end of his Viceroyalty, reached the conclusion that the person who was to be appointed as Political Adviser should have some experience of conditions in British India and should not be a man who had spent his entire official life in the Indian States. If I may be allowed to say so, this conclusion was very wise. The political pace in India has always been set by British India, while, on the other hand, no full settlement of the Indian constitutional problem is possible unless the problem of the States is solved simultaneously. It is my personal opinion that the great defect of the Cripps plan of 1942 was that the States only got mention as an after-thought, whereas they are in fact an integral part of the case. To illustrate the importance which I have always attached to the States' aspect of the Indian problem, I venture to enclose with this letter a copy of a paper[1] which I gave to Stafford Cripps when he came out to India the second time on the Cabinet Mission. I do not ask you to read the whole of this paper. The main proposals in it got nobody's concurrence. If you will kindly glance at paras 1, 2 and 4 of the paper, however, you will see that the States issue is heavily emphasised. Later on in a letter to Stafford Cripps dated April 5th 1946 I wrote this about the Indian States:—

> "The best service in fact that we can render to the Indian States to-day is to negotiate the 20 or so important states into an Indian federation on the best terms available, securing at the same time the best possible "mediatisation" (cf. Germany after Napoleon) terms for the small States which are totally incompetent whether viewed as federal units or as sovereign states".

I quote this because of our talk[2] about "mediatisation" the other day in New Delhi.

[1] Not printed. Sir F. Wylie's paper is on R/3/1/140: ff 43–7.
[2] No record of an interview on this subject between Lord Mountbatten and Sir F. Wylie has been traced.

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3. Acting on his own principle Lord Linlithgow in 1940 removed me from the Central Provinces where I was Governor to New Delhi as Political Adviser. Unfortunately there was an excursion to Afghanistan for two years in the middle of my tenure, so very little was achieved in the way of relegating the Indian States to their real position in the Indian scheme of things. The war too was on at the time. The Princes, some of them, were giving us plenty of help and it was a poor time to be planning their liquidation. In December 1944 Lord Wavell told me that he wanted me to go to the U.P. The question of a successor arose and turned out to be very difficult. Lord Wavell did not want to put Corfield in for the very reasons that Lord Linlithgow had emphasised. We consulted the India Office who suggested Eric Mieville's name. We jumped at this suggestion not only because of Mieville's well-known ability but because we thought that his close contact with the Palace might help him in inducing the Princes, especially the little Princes, to be realistic. Mieville refused the offer and we were back where we were.[3] Lord Wavell in the end, but it was very much *faute de mieux*, decided to give the post to Corfield.[4]

4. By none of this do I mean any real reflection on Corfield's quality. He is a very able person indeed, but his cast of mind is for these days excessively conservative. He has been all his life in Indian States and has imbibed, perhaps too successfully, the Princely point of view. He does not agree with present day political developments in British India which made his task as Adviser to the Crown Representative very difficult indeed. For the obvious duty of the Political Adviser is to watch the Viceroy's intentions in British India and then to help bring the Viceroy's relations with the Princes into accord with those intentions.

5. Knowing these facts I was not myself surprised to hear that Princely intransigence had not decreased during Corfield's regime. His was never an ideal appointment, but for that no one was to blame. We combed the British Indian Provinces at the time, but there was no senior British Officer in any Provincial cadre who could have filled the post. Nobody suitable was forthcoming from home and so, as I have already described, the appointment was made.

6. I have given you this summary because I failed to do justice to your question when you put it to me in New Delhi. May I at the same time say how much I admire the very realistic approach which you are now making to the States problem? This approach is exactly what the situation needs, and indeed has always needed. Five years ago, however, nobody could have persuaded London to allow us to do this. Even now the Princes will certainly try to beat up sympathy for their case in England. I doubt however if they will succeed. The interests in England which used to champion their cause have, I think,

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begun to realise that our job in India is not finished unless the Indian Princes are all of them accommodated in one or other of the new Dominions. And here geographical considerations must be allowed to prevail. Sooner or later too, the little Princes must be made to surrender their administrative authority —in short must agree to be mediatised.[5] It is not perhaps possible to do this immediately, but it should be done soon. Otherwise the administrative incompetence which characterises all the small States without exception may create a situation which will be highly unpleasant both for the little States and for the new Dominions.

Yours sincerely,
F. V. WYLIE

[3] cf. Vol. V, No. 259, para. 17. [4] cf. *ibid.*, No. 310, para. 16.
[5] Lord Mountbatten sidelined this sentence and noted: 'B[ring] U[p] 1st Jan.' The file was duly brought up on 1 January 1948 and Lord Mountbatten then noted: 'Press Att[aché] and Con/Sec to see. I have always held this view and I am glad V.P. has started to implement it'. R/3/1/140: f 122.

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The Earl of Listowel to Mr Attlee

L/WS/1/1046: ff 129–32

INDIA OFFICE, *12 August 1947*

Secretary of State's Minute: Serial No. 147/47

Prime Minister,

EXTERNAL DEFENCE OF INDIA AND BRITISH STRATEGIC REQUIREMENTS

You will remember that, in paragraph 3 of his telegram No. 1800–S[1] of 7th July (copy attached), the Viceroy suggested:—

(*a*) that, after the transfer of power, the Chiefs of Staff should send a delegation to India and Pakistan to conduct negotiations;

(*b*) that the negotiations should be conducted with the two new Dominion Governments—(there was a possibility that these Governments might accept the Joint Defence Council as a negotiating body);

(*c*) that the negotiations should, if possible, take place concurrently with economic and other negotiations.

In his telegram No. 3138–S[2] (copy also attached) the Viceroy reports that both Nehru and Jinnah have now agreed that the Joint Defence Council should hold discussions with representatives of the Chiefs of Staff on Commonwealth Defence problems. While the despatch of a suitable mission to

[1] Vol. XI, No. 556. [2] See No. 336, last paragraph.

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India is not a matter of the first urgency, a great deal of preliminary planning will certainly be required and there are one or two points on which decisions are necessary before this planning can proceed. The points to be settled are:—

(1) Whether the mission should be headed by a Minister;

(2) Whether the negotiations should be confined to defence matters or should embrace economic and other problems.

As regards (1) above I am myself not in favour of a Minister going with the mission. I think it would be better that the mission should be composed of senior representatives of the Chiefs of Staff and that such political advice as they require on the spot should be sought from the United Kingdom High Commissioners of the two new Dominions.

As regards (2) I feel strongly that the negotiations ought to be confined to defence matters and that these should be handled separately from the many other issues requiring to be discussed with the two new Dominion Governments. It would for example, be most undesirable to delay the negotiation of an agreement about defence until we are in a position to negotiate a commercial treaty.

I should be grateful to know if you concur with my views on the points at issue in order that the selection of the members of the mission and the preparation of the necessary briefs may be proceeded with.

I am sending copies of this Minute to the Minister of Defence and the Secretary of State for Commonwealth Relations and am asking them to let you know whether they concur in my views.[3]

LISTOWEL

[3] In a letter to Mr Addis dated 16 August, Mr Wood explained that at their meeting on the evening of 12 August Mr Attlee and Mr Alexander had confirmed the proposals in Lord Listowel's minute and that Alexander had subsequently arranged for the Chiefs of Staff to submit the names of their proposed representatives for the Mission. The question of giving information about the proposed discussions to other Commonwealth Governments (cf. No. 334) had not been raised at the meeting. Alexander, however, had asked Wood to say that his personal view would be that they should not be informed initially, but that the Commonwealth Relations Office should be kept in close touch with the discussions and should raise the question of communication with the other Dominions as soon as a little progress had been made. L/WS/1/1046: f 114.

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United Nations Secretariat Memorandum on Membership Status of India and Pakistan

L/P&J/7/12520: f 2

PRESS RELEASE PM/473 DEPARTMENT OF PUBLIC INFORMATION PRESS DIVISION, LAKE SUCCESS, NASSAU COUNTY, NEW YORK, *12 August 1947*

(The following memorandum reflects the opinion of the Secretary-General with respect to the question of India's status in the United Nations after August 15 when the Indian Independence Act becomes effective. The memorandum was prepared by Dr. Ivan Kerno, Assistant Secretary-General for Legal Affairs, and has been approved by Mr Lie)

EFFECT OF INDIAN INDEPENDENCE ACT, 1947 ON MEMBERSHIP AND REPRESENTATION OF INDIA IN THE UNITED NATIONS

The Indian Independence Act provides that on the fifteenth day of August, 1947, two Independent Dominions shall be set up in India to be known respectively as India and Pakistan. Under this act, the new Dominion of India will consist of all the territories of British India except certain designated territories which will constitute Pakistan.

What is the effect of this development on membership and representation of India in the United Nations?

From the legal standpoint, the Indian Independence Act may be analysed as effecting two separate and distinct changes:

1. From the viewpoint of international law, the situation is one in which a part of an existing state breaks off and becomes a new state. On this analysis, there is no change in the international status of India; it continues as a state with all treaty rights and obligations, and consequently with all the rights and obligations of membership in the United Nations. The territory which breaks off, Pakistan, will be a new state; it will not have the treaty rights and obligations of the old state, and it will not, of course, have membership in the United Nations.

In international law, the situation is analogous to the separation of the Irish Free State from Great Britain, and of Belgium from the Netherlands. In these cases, the portion which separated was considered a new state; the remaining portion continued as an existing state with all of the rights and duties which it had before.

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2. Apart from the question of separation, the Independence Act has effected a basic constitutional change in India. The existing State of India has become a Dominion, and consequently, has a new status in the British Commonwealth of Nations, independence in external affairs, and a new form of government. It is clear, however, that this basic constitutional change does not affect the international personality of India, or its status in the United Nations.

The only question it raises is whether new credentials should be requested for the Indian representatives in the organs of the United Nations. Although there is no precedent for this situation in the United Nations, there is some basis in diplomatic practice for requesting new credentials in cases of States which have undergone a change of sovereignty, as from a monarchy to a republic. It would, therefore, seem appropriate for the Secretary-General to suggest to the Government of India that in view of the change in sovereignty, it would be desirable to have new credentials issued to the India representatives by the Head of the Government or the Foreign Minister of the new Dominion of India.

In conclusion, the effect of the Independence Act may be summarised as follows:

1. The new Dominion of India continues as an original member state of the United Nations with all rights and obligations of membership.
2. Pakistan will be a new non-member state. In order for it to become a member of the United Nations, it would have to apply for admission pursuant to Article 4 of the Charter, and its application would be handled under the pertinent Rules of Procedure of the General Assembly and the Security Council.
3. The representatives of India on the Economic and Social Council and the representative of India participating in the discussion of the Indonesian case in the Security Council should be requested to submit new credentials after August 15 issued by the Head of the Government, or the Foreign Minister of the new Dominion of India.

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Government of Pakistan, External Affairs and Commonwealth Relations Department to the Secretary of State for India

Telegram, L/P&S/12/4724: f 91

IMPORTANT NEW DELHI, *12 August 1947, 8.55 pm*
Received: 13 August, 6.40 am

No. 6617. Your telegram 10348 dated 9th August.[1] Government of Pakistan

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would be grateful if U.K. Ambassador and not his Indian Colleague would represent Pakistan after 15th August at Washington and other posts where there are U.K. and Indian Embassies.

2. Baig of Indian Embassy Washington will act for us and organise staff of proposed mission. We should be grateful if U.K. Ambassador Washington would kindly advance him 10,000 dollars forthwith for immediate needs and also handle telegraph cypher traffic for us temporarily.[2]

Repeated to Washington, Nanking, Moscow, Tokyo
(Secretary of State please repeat)
U.K. High Commissioners, New Delhi, and Karachi

[1] Asking whether the U.K. or the Indian Ambassador should represent Pakistan after 15 August at Washington and other posts where there were separate Indian Embassies. L/P &S/12/4724: f 97.

[2] Indian posts in Moscow, Nanking, Washington, Tokyo, Bangkok and Saigon were subsequently informed that as from 15 August they would not be concerned with Pakistan affairs. Tel. 6643 of 12 August. L/P &S/12/4724: f 96.

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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, R/3/1/157: f 279

IMMEDIATE *12 August, 1947, 11.15 pm*
SECRET

No. 3366–S. It is now clear that the complete awards for Punjab and Bengal will not be ready for publication till 15th evening or 16th morning.[1]

2. I have explained to Trivedi, who agrees, that the two Governments of East and West Punjab must take charge according to the notional boundaries on 15th and adjust later where necessary.[2]

[1] See No. 436 and its note 2.

[2] A similar telegram, No. 3365–S of 12 August, was sent to Sir F. Burrows explaining that the two Governments of East and West Bengal would have to take charge according to the notional boundaries on the 15th and adjust later where necessary. R/3/1/157: f 280.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/128: f 53

MOST IMMEDIATE INDIA OFFICE, *12 August 1947, 7.55 pm*
Received: 13 August, 7.00 am

No. 10491. Your telegram No. 3322–S of 11th August.[1] We shall discuss the matter with Cooke tomorrow. Meanwhile I notice from paragraphs 31–38 of your Personal Report of 8th August[2] that question of national debt is linked with that of cash balances and it occurs to me that if we deal with the former in the way you propose it might help to reduce Pakistan's objections if we simultaneously deal with the latter. Please telegraph your views on this with your recommendation as to how much of the cash balances should be allocated to Pakistan if I decide to divide them.

[1] No. 422. [2] No. 385.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/171: f 55

IMMEDIATE *12 August 1947, 11.40 pm*
CONFIDENTIAL *Received: 13 August, 9.30 am*

No. 230–G. Addressed Viceroy repeated Secretary of State.

My immediately preceding telegram.[1] Police in Lahore and Amritsar now unreliable. There was serious indiscipline at Recruit Training Centre Lahore today and men concerned numbering between 300 and 500 cannot be used for emergency duty. I am still awaiting news of state of rural police stations and Amritsar some of which are said to have ceased functioning. We have not strength of troops and police required to restore order and railways will not be safe unless Army can take over "war Department" lines with full railway security. Muslim League National guards now very active in Lahore City and exceedingly truculent to non-Muslims.

[1] Possibly No. 437.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 286

EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
13 August 1947

Dear Lord Mountbatten,
Thank you for your letter dated the 10th August[1] about the note[2] which I sent regarding the irrigation system of the Punjab. I appreciate your view point and in any event there is nothing more to be said about it.

Yours sincerely,
JAWAHARLAL NEHRU

[1] No. 406. [2] No. 395.

450

U.K. High Commissioner in India to Cabinet Office

Telegram, L/E/8/4875: ff 459–60

CONFIDENTIAL NEW DELHI, *13 August 1947, 3.00 am*
Received: 13 August, 10.09 am

IRKU 596. The French Chargé D'Affaires has talked to a Member of my staff at some length on the French Establishments in India.

2. M. Roux said he was extremely apprehensive of events in the French Establishments after August 15th, and in particular in Chandernagore, where he was sure there was going to be trouble. He himself saw the impossibility of the situation of the French Establishments in the new India. Their existence had hitherto been dependent on the maintenance of Government in India by a major European Power and now that this was going, there was no possibility of the French maintaining any foothold whatsoever. He had been making representations to the French Government along these lines and had stressed that since in fact the French possessions in India had no real value, it was of the utmost importance to surrender them to the Indian Union quickly and with good grace, so that no ill feelings could be aroused or ultimately left between the two countries.

3. Unfortunately the authorities in the French Government with whom he dealt appeared to be unable to grasp these essentials. They were motivated solely by reasons of prestige and though they knew nothing of India or the

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situation in the French Establishments there, any withdrawal was looked upon by them, to put it in Monsieur Roux's own words, as "trailing the tri-colour in the mud". This attitude was very much supported by the average man in the street in France.

4. Monsieur Roux now found himself being accused from home of being a defeatist and lacking in patriotism. He was therefore afraid that the French policy with regard to France's possessions in India would be one of giving "too little and too late."

5. He ended by comparing the position of the French, which at present was not too bad, with that of the Portuguese who were now extremely unpopular in India as the result of their somewhat rash and provocative statements with regard to the future of Goa. He feared that in the very near future France would be held up to attack in the Press as a second Portugal.

See my immediately following telegram.[1]

[1] No. 451.

451

U.K. High Commissioner in India to Cabinet Office

Telegram, L/E/8/4875: ff 461–2

CONFIDENTIAL NEW DELHI, *13 August 1947, 4.00 am*
Received: 13 August, 8.25 am

IRKU 597. My immediately preceding telegram.[1]

Secretary General of External Affairs Department has told me in confidence that India was likely to take a stonger line as regards French and Portuguese possessions after August 15th.

2. As regards the French, he gave me to understand that M. Roux had been authorised by M. Bidault to put some fresh proposal to Government of India, that this would of course be considered, but that unless it went a long way beyond what he called the Baron Plan (which he said provided for Municipal Councils), it would not be acceptable. I gathered that the Government of India would not readily acquiesce in the French continuing to enjoy a special position or exclusive rights in commerce, manufacturing and even cultural matters in the territories in question.

3. I gave Sir G. Bajpai a brief account of what had happened in the Levant States when I was minister there and I emphasised the immense importance that the French attached to the continuance of their schools, hospitals and

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cultural influence generally. It seemed to me wise that the Indian authorities should go as far as possible to meet the French, particularly in these respects.

4. As regards the Portuguese, Sir G. Bajpai said that the Government of India would probably ask us to take some action with the Portuguese Government. (As I would know, their relations were far from good, as India had opposed Portugal's admission to U.N.O.). I said that, speaking personally, I thought it might be very difficult for H.M. Government to do this on behalf of India; what action did he contemplate asking us to take? He replied "soundings". I suggested that before pursuing the matter of the Portuguese possessions, it might be advisable for the Government of India to see whether some accommodation could be reached with the French. But I rather expect that Nationalist exuberance after August 15th will incline them to push ahead.

[1] No. 450.

452

Sardar Patel to Rear-Admiral Viscount Mountbatten of Burma

L/PO/6/123: ff 273–5

MOST IMMEDIATE AND PERSONAL NEW DELHI, *13 August 1947*

A deputation of the Chittagong Hill Tribes saw me this morning and expressed to me their grave apprehension that their area was going to be included in East Bengal under the Boundary Commission award. I am unaware of the source of their information, but they seemed to be well-convinced that this was going to happen. I have told them that the proposition was so monstrous that if it should happen they would be justified in resisting to the utmost of their power and count on our maximum support in such resistance.

2. Personally, I feel it is inconceivable that such a blatant and patent breach of terms of reference should be perpetrated by the Chairman of the Boundary Commission. We have all along felt that the future of this area was not at all in doubt. No fair reading of the terms of reference or appreciation of the factual position could make a ninety-seven per cent non-Muslim area a part of the award relating to the boundary of East Bengal. Such a decision would also jeopardise the position of the adjoining Tripura State which is a Hindu State with predominantly Hindu population, and which has acceded to the Indian Dominion and has joined the Union Constituent Assembly.

3. I, therefore, feel bound to draw your attention to the serious consequences which would follow such a manifestly unjust award. There is no doubt from the report of the Tribal Areas Committee who collected un-

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impeachable evidence on the spot and whose views I represented to the Chairman of the Commission in a letter (copy enclosed) which I sent to him as Chairman of the Advisory Committee of the Constituent Assembly, that the entire population of this area is in favour of remaining in the Indian Union.

4. Any award against the weight of local opinion and of the terms of reference, or without any referendum to ascertain the will of the people concerned must, therefore, be construed a collusive or partisan award and will have, therefore, to be repudiated by us. I make this statement with a full sense of responsibility as one who was party to the setting up of the Commission. But you cannot clearly expect us to submit to a proceeding which would be in violation of the basic conception underlying the Commission's terms of reference.

5. I must also point out that public reaction would wholly and overwhelmingly support us in such repudiation. Already there is considerable doubt whether they would get an impartial award under the novel and strange procedure adopted by the Chairman of not even hearing the arguments. Many persons have come and complained to me that he has rendered himself liable, by this means, to being influenced by circles in your Secretariat whose antipathies to India and sympathies with the League are well known. The selection, as Secretary of the Commission, of one of the European officers of the Punjab, who are generally associated in public mind with pro-League sympathies, had not mended matters. I have generally adopted an indifferent attitude to these complaints, but if the award confirms the worst fears entertained by the public, it is impossible for me to predict the volume of bitterness and rancour which would be let loose and I am certain that this will create a situation which both you and I may have to regret.

Yours sincerely,
VALLABHBHAI PATEL

Enclosure to No. 452

Copy of letter No. CA/38/COM/47, dated the 25th July, 1947, from the the Chairman, Advisory Committee on Minorities, Fundamental Rights, Tribal and Excluded Areas, Constituent Assembly of India, Council House, New Delhi, to The Chairman, The Bengal Boundary Commission, Calcutta.

Subject:—Chittagong Hill Tracts

I have the honour to address you on behalf of the Advisory Committee set up in pursuance of paragraph 20 of the Statement of the 16th May 1946[1] by the Constituent Assembly of India. A Sub-Committee was set up by the Advisory Committee to report on a scheme of administration for the Excluded Areas. This Sub-Committee visited the Chittagong Hill Tracts, which is an Excluded Area, in April 1947 and took the evidence of local officials, non-officials and

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associations who were interested in the future administration of the area. The Sub-Committee have recently considered the future administration of the Chittagong Hill Tracts and although they are not in a position to send their complete report yet, they have pointed out that the people of the Chittagong Hill Tracts were unanimously against the Tracts forming a part of Bengal (as it then was) and that in view of the predominantly non-Muslim character of its population the area should in no circumstances be included in East Bengal. They have also pointed out that the Tracts adjoin and form part of the Lushai Hills of Assam and that communications exist between them.

2. I have the honour to bring the views of the Sub-Committee on behalf of the Advisory Committee to your notice and to say that I am fully in agreement with them. A copy of the evidence recorded by the Sub-Committee is enclosed herewith.[2]

[1] Vol. VII, No. 303. [2] Not printed.

453

Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal) and Sir E. Jenkins (Punjab). Repeated to Mr Christie, New Delhi

Telegram, R/3/1/157: f 281

MOST IMMEDIATE CAMP KARACHI, *13 August 1947, 9.00 pm*
BY TELEPHONE

No. 2907-S. No objection to your announcing that since the award of the Boundary Commission is unlikely to be READY FOR PUBLICATION BEFORE 16TH AUGUST[1] the Government of East and West Bengal/Punjab will take charge up to the *notional* repeat *notional* boundary pending publication and implementation of the Award.

(For J.P.S.V. only: Please make similar announcement in Delhi after securing concurrence of Pandit Nehru. Pakistan Government have agreed).[2]

[1] Emphasis throughout in original.
[2] Mr Christie noted on 14 August: 'Pandit Nehru agrees'. R/3/1/157: f 282.

454

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/157: f 277

NO. 1446/17 *14 August 1947*

Dear Mr Nehru,

I am advised that Sir Cyril Radcliffe is sending me the Award of the Boundary

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Commission in the course of today, but that it cannot arrive before I leave for Karachi. At present, therefore, I have no idea of its contents.

It had been my intention to publish the Award in a Gazette Extraordinary as soon as it was received and the maps reproduced; but, to judge from reports I have heard and the messages[1] I have received from leaders in both India and Pakistan, there is such apprehension about the nature of the findings that I do not feel that it should be published without an opportunity being given for a discussion of them between duly authorised representatives of India and Pakistan. The object of such a discussion would be—

(*a*) To decide upon the timing and method of publication: and

(*b*) to decide the method of implementing the undertaking of the Partition Council to accept the Award and to enforce the decisions contained in it.

The meeting would also, if both parties wished, provide an opportunity for discussing any mutual adjustments in the boundaries by agreement.

I am therefore proposing to Mr. Jinnah[2] that he should send a representative or representatives to Delhi, with a view to a meeting as early as possible on the morning of Saturday, the 16th August. By that time, copies of the Award and of the maps will have been reproduced. These will be tabled at the meeting. I will let you know if Mr. Jinnah agrees on my return from Karachi tomorrow.

I am very ready to place Government House at your disposal for the meeting. It would, of course, be impossible for me to preside, and I think, undesirable for me to be even present at the meeting: but if both parties should wish to consult me, I shall be available.

I have undertaken to go to Bombay on the 17th for 24 hours to bid farewell to the first contingent of British Troops, and will have to leave in the early morning.

I ought to add that the Governors of Bengal and the Punjab have been informed[3] that the Governments of the two halves of each Province will be responsible for all territory up to the notional boundaries from the 15th August until the award is published and implemented.

Yours sincerely,

MOUNTBATTEN OF BURMA

[1] cf. Nos. 428 and 452.

[2] Lord Mountbatten wrote in similar terms to Mr Jinnah. In that letter the fourth paragraph read 'I therefore see nothing for it but to ask if you will be so good as to send a ministerial representative or representatives to Delhi, with a view to a meeting as early as possible on the morning of Saturday, the 16th August. By that time, copies of the Award and of the maps will, I hope, have been reproduced. These will be tabled at the meeting.' The letter concluded: 'I have written a similar letter to Pandit Nehru. I would gladly put your representative up at Government House.' In a telegram from Karachi dated 13 August, Sir G. Abell informed Lord Ismay at New Delhi that Mr Liaquat Ali Khan had agreed to fly to Delhi for a meeting on the 16th, bringing one other representative with him and staying at Government House. R/3/1/157: ff 278 and 283

[3] See Nos. 446 and its note 2, and 453

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/82: ff 131–2

17 YORK ROAD, NEW DELHI, *13 August 1947*

Dear Lord Mountbatten,

I enclose a copy of the message I am sending on the occasion of the departure of the first contingent of British troops from India. I have sent a copy to Sardar Baldev Singh and asked him to pass it on to the proper person.[1]

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure to No. 455

NEW DELHI, *13 August 1947*

During the last few days vital changes have taken place in the relationship between India and England. The bonds that tied India to England against the the wishes of her people have been removed, resulting in a far more friendly feeling in India towards England than at any time previously. That unnatural relationship is giving place gradually to a normal and natural relationship between two countries who desire to cooperate for their mutual advantage and the common good.

Few things are more significant of this change than the withdrawal of British troops from India. Foreign armies are the most obvious symbols of foreign rule. They are essentially armies of occupation and as such their presence must inevitably be resented. No soldier likes this business, for it is neither war nor peace but a continuing tension and living in a hostile atmosphere. I am sure that sensitive British officers and men must have disliked being placed in this abnormal position.

It is good, therefore, for all concerned that the British Armed Forces in India are being withdrawn and are going home to serve their country in other ways. As an Indian I have long demanded the withdrawal of British Forces for they were a symbol to us of much that we disliked. But I had no grievance against them as individuals and I liked and admired many whom I came across. What we disliked was the system which inevitably brought ill-will in its train apart from other consequences.

I know the good qualities of the British soldier and I should like our own army to develop those qualities. On the occasion of the departure of the first contingent of British troops from India I wish them godspeed and trust that

[1] Lord Mountbatten acknowledged receipt of this letter of 16 August and added: 'I personally was very touched with this message and I am sure that it will help further to cement the bonds of friendship between our two great countries.' R/3/1/82: f 133.

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between them and the soldiers and people of India there will be goodwill and friendship which can only subsist between equals who do not fear each other. We have nothing to fear from each other in the future and there are many things in which we can cooperate together.

It is rare in history that such a parting takes place not only peacefully but also with goodwill. We are fortunate that this should have happened in India. That is a good augury for the future.

JAWAHARLAL NEHRU

456

The Resident at Kashmir to Sir G. Abell

Telegram, R/3/1/94: f 62

IMMEDIATE *13 August 1947, 3.00 pm*
SECRET *Received: 13 August, 9.00 pm*

No. 86. Your telegram No. 3352–S of Aug 12th.[1] Kak asked for permission to retire as he felt he had lost confidence of Ruler who he found had been corresponding with Congress through other channels. I believe break came because of indecision of His Highness to make up his mind either to join one or other Dominion, or in peculiar circumstances for Kashmir to come into the open and ask for agreements with both. His Highness, Dogras and Hindu communities incline towards India but bulk of population are Moslem and if consulted would probably favour Pakistan especially Mirpur, Poonch and Muzaffarabad area. Kak although Hindu clearly saw implication and felt that if Kashmir joined either Dominion especially India it would mean serious trouble.

2. Kak further was advising His Highness he must fix his Privy Purse and that autocracy must gradually give place to democracy. Kak unfortunately had his shortcomings in that he placed his brothers in the way of good business while Prime Minister thus benefiting whole family. His Highness's letter accepting his request for retirement stated that he had lost confidence of people.

3. I saw new Prime Minister yesterday, and he is aware of the situation and although inclining towards India as a Hindu, realises bulk of Moslems will not accept decision. He therefore wishes for agreements with both. Kashmir Government issued Statement last night that they welcome standstill agreements pending further negotiations with both Dominions. From this Press note it is apparent that they are not likely to join either Dominion at present.

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4. Kashmir Government are in grave dilemma as a decision to join either Dominion will result in serious trouble that might also have repercussions outside State.

[1] In tel. 85 of 11 August Lieutenant-Colonel Webb reported that he had just been informed that Pandit Kak had resigned and that Major-General Janak Singh had been appointed in his place temporarily. Lord Mountbatten noted on the telegram: 'please ask Webb for full background to dismissal and whether Kashmir will now join one of the two Dominions.' Sir G. Abell transmitted this enquiry in tel. 3352-S of 12 August. R/3/1/94: ff 61 and 60.

457

Meeting of the Indian Cabinet, Case No. 212/38/47

Mountbatten Papers. Indian Cabinet Minutes, Part II

SECRET

Those present at this Meeting held on 13 August 1947 at 5.00 pm were: Pandit Nehru, Sardar Patel, Dr Rajendra Prasad, Maulana Abul Kalam Azad, Sir Shanmukhan Chetty, Dr John Matthai, Sardar Baldev Singh, Mr C. H. Bhabha; Rao Bahadur V. P. Menon, Mr K. V. K. Sundaram, Mr H. M. Patel, Mr V. H. Coelho (Secretariat)

Case No. 212/38/47 The India (Provincial Constitution) Order, 1947

The Hon'ble the Vice President recalled that in the discussions at the previous meeting[1] of the Cabinet on The India (Provisional Constitution) Order, 1947, two sections, namely, Sections 5 and 47 had been left over for further consideration.

Section 5 of the Act.

A revised draft (attached)[2] prepared by the Reforms Secretariat in the light of the previous week's discussions in Cabinet was handed to the Honourable Members. It was pointed out that there was the same fundamental objection to the draft as now revised as to the originally redrafted section 5 of the Act considered at the previous meeting. The draft gave the impression that "Dominion" was limited to British India which was an entirely wrong conception. It was necessary to devise a formula to show clearly that the Dominion of India would comprise

(*a*) Governors' Provinces

(*b*) Chief Commissioners' Provinces

(*c*) such Indian States as acceded to the Dominion, and

[1] Mountbatten Papers, Indian Cabinet Minutes, Part II, 7 August 1947, Case No. 195/37/47.

[2] Not traced.

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(*d*) any other areas which by consent of the Dominion would be included in the territory of the Dominion.

Political and psychological considerations demanded that there should not be the least doubt that all States that acceded to the Dominion would form an integral part of the Dominion.

After some further discussion a redraft of section 5 was agreed upon.

Section 47 of the Act.

The revised draft as prepared by the Reforms Secretariat was accepted.

DECISION

The Cabinet agreed that the following redrafts of Section 5 and 47 of the Act be accepted.

Section 5 of the Act.

"5. *Establishment of the Dominion.*—(1) The Dominion of India established by the Independence Act, 1947, shall, as from the fifteenth day of August, 1947, be a Union comprising—

(*a*) the Provinces hereinafter called Governors' Provinces,

(*b*) the Provinces hereinafter called Chief Commissioners' Provinces,

(*c*) the Indian States acceding to the Dominion in the manner hereinafter provided, and

(*d*) any other areas that may with the consent of the Dominion be included in the Dominion.

(2) The said Dominion of India is hereafter in this Act referred to as "the Dominion", and the said fifteenth day of August is hereafter in this Act referred to as "the date of the establishment of the Dominion".

Section 47 of the Act:—

"47. *Provisions as to Berar.*—Berar shall continue to be governed together with the Central Provinces as one Governor's Province under this Act by the name of Central Provinces and Berar and in the same manner as immediately before the establishment of the Dominion; and any references in this Act to the Dominion of India shall be construed as including a reference to Berar".

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/13/1849: ff 8–9

IMPORTANT INDIA OFFICE, *13 August 1947, 6.00 pm*
CONFIDENTIAL

No. 10502. Your telegram No. 2900–P of 23rd July.[1]
I agree that return of ceded territories is out of the question and that both H.M.G. and Dominion of India have good legal case under Section 7(1)(b) of Indian Independence Act for refusing to accept liability to pay cash compensation to States. Moreover, all except Sangli were found by Davidson Committee[2] to have parted with territory in exchange for specific military guarantees. If they now accede for defence without reserving right to have guarantees continued or to receive cash compensation in lieu Dominion of India appears entitled to hold that they have waived any claim to the actual rights they were found to possess.[3]

2. On the other hand I suggest that if you see no objection you should put it on record with States Department that H.M.G. consider that it would be fair and reasonable for the Dominion of India as inheritor of the ceded territories to take the cession of territory into account as one of the factors to be considered when a final financial settlement is being negotiated with States.

3. As I understand it intention of States Department is to rely on standstill agreement to regulate for the present Dominion's financial relations with States and their accession for three subjects only to existing constitution will carry with it no other financial obligations. However, if eventually when new constitution has been adopted by Constituent Assembly States are invited to accede for some economic subjects it would seem desirable to include provision in their Instruments of Accession on lines contemplated in Section 147 of Government of India Act 1935 regarding privileges and immunities. Compensation for ceded territories might be given in that connection in return for concession by States in such matters as income and corporation taxes and all-India excises which would be required to finance defence.

4. As regards your telegram No. 2901–P[4] I do not see how absorption of

[1] No. 213.
[2] Cmd. 4103. Report of the Indian States [Financial] Enquiry Committee, 1932. Sir John Davidson chaired the Committee.
[3] The original draft of this telegram included the following sentence at the end of the first paragraph: 'Even Sangli might perhaps be argued to have weakened its case for compensation by accepting offer of accession for Defence without obligation to provide troops.' This sentence was omitted at Mr Rumbold's suggestion.
[4] See No. 213, note 2.

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capital sum in general revenues if it has occurred affects liability of Government of India to Indore. On the other hand Indore has had a pretty good bargain by avoiding since 1865 annual payment of over Rs.1 lakh by lump sum payment of about Rs. 24 lakhs. Possibly matter could be disposed of amicably if State is allowed to take over without payment all buildings, equipment etc., relating to Malwa Bhil Corps, which I understand it is absorbing as part of its own forces.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from Provincial Governors

SECRET GOVERNMENT HOUSE, LAHORE,
NO. 704 *13 August 1947*

Dear Lord Mountbatten,

The communal disturbances have naturally over-shadowed everything else during the first half of August. For some days Lahore City remained reasonably quiet, but Amritsar City showed no improvement, and there were serious incidents in the cities of Gujranwala and Lyallpur. In the meantime the violent Sikh agitation gained ground in the rural areas of Amritsar, Gurdaspur, Jullundur and Hoshiarpur, and there were isolated outrages in Ludhiana, Lahore and Ferozepore.

2. I have submitted daily reports on the situation.[1] They are almost certainly incomplete because raids and murders are now so frequent that it is difficult to keep track of them all, and the regrouping of the services as a preliminary to the transfer of power has not improved our organisation for the collection and analysis of reports. During the past week the Amritsar district, including even the main roads, has become generally unsafe. There have been several attacks on trains—the most spectacular being the derailment of one of the Pakistan Specials near Giddarbaha in the Ferozepore district.[2] Most of the rural casualties —and they have been very heavy—have been caused by Sikhs working in fairly large bands and raiding Muslim villages or Muslim pockets in mixed villages. The Muslims in the Amritsar district have occasionally hit back, and in a village named Jalalabad near the Beas have eliminated a local Hindu minority, killing probably over 70 people. The Sikhs, as was to be expected, have behaved with extreme brutality. Parties of unescorted Muslim refugees have been attacked and butchered, and yesterday, 12th August, a harmless party of Pathan labourers moving on foot along the Grand Trunk Road near Amritsar was set upon and 30 Pathans were killed.

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3. About 10th August trouble began in the Amritsar Police. We knew some days ago that the Muslim policemen serving in Amritsar intended to desert to West Punjab on 15th August. The Inspector General obtained written authority from Khan Qurban Ali Khan, the Inspector General-Designate of West Punjab, to inform the men concerned that West Punjab would employ no deserters, and that it was their duty to remain at their posts. The Inspector General spoke to the men at Amritsar, and we were fairly confident that they would behave themselves. Two or three days later the Additional Superintendent of Police (a Hindu named Kaul), who had been posted to the Amritsar district to take over for East Punjab on 15th August, gave verbal instructions that any Muslims who wished to transfer to West Punjab should see him at the Police Lines on Sunday, 10th August. I must explain that the Partition Committee did not consider it proper to compel every policeman to opt for West or East Punjab—the orders were that men would be given an opportunity for transfer in writing if they so desired. The verbal orders mentioned above were put into writing by a Deputy Superintendent of Police, and before they were cyclostyled somebody inserted in them a paragraph to the effect that before reporting at the Police Lines men must hand in their arms.[3] The result was that the Muslim policemen employed in Amritsar City arrived at the Police Lines in a very bad temper, demanding their immediate transfer to West Punjab and protection from attack between Amritsar and Lahore. The Additional Superintendent of Police had at a stroke reduced the strength of his Force in the city by about two-thirds. He is also alleged to have armed some ex-soldiers, including ex-I.N.A. men, who were in plain clothes, as substitutes for the men he had withdrawn; but I understand that these arms were returned shortly afterwards. Several of the discontented policemen made their way to Lahore and created some trouble in the Police Lines here. By the efforts of the Inspector General and Khan Qurban Ali Khan the men have been persuaded to go back to duty, but the situation is still most obscure, and I am trying to find out what has actually happened in the rural Police Stations. I am told that the Muslims were withdrawn from the rural area also—if so, the District must be very short of Police. I have suspended Kaul and removed him from the district, but his action, taken without any authority from above, was most mischievous, and has had serious consequences.

4. The derailment of the Pakistan Special, the arrival in Lahore of large numbers of Muslim refugees from Amritsar, and the news of the disarming of the Muslim Police in Amritsar had immediate repercussions in Lahore City.[4] On 11th and 12th August there were well over a hundred casualties, almost all

[1] See e.g. Nos. 382, 437 and 448. [2] See Nos. 418 and 432, para. 9.
[3] cf. No. 432, para. 1. [4] See No. 437.

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non-Muslims, and well over fifty fires, almost all affecting non-Muslim property. For the first time the Police showed open indiscipline.[5] They made little attempt to enforce the curfew which was imposed on 11th August, and the Deputy Commissioner informs me that he met with insolence from some of the men, who said that they were more concerned with the fate of the Amritsar Muslims than with the fate of the Lahore non-Muslims; and that policemen have actually taken part in looting houses. About 15 Sikhs, were killed in a Gurdwara in Lahore City on 11th August, and the Inspector General reports that the Police almost certainly connived at, if they did not actually carry out, this massacre. On 12th August there was trouble in the Recruits Training Centre at Lahore. The Hindu and Sikh recruits, who all belong to West Punjab districts, said that they could not continue to serve in West Punjab. Khan Qurban Ali Khan visited the Centre and talked to the men, who impressed him very favourably. They told him that they intended no breach of discipline, but were genuinely frightened in view of the threats of their Muslim comrades. Khan Qurban Ali Khan was told on enquiry that there had been threats and was given the names of four Muslim Constables who were the ring-leaders on the Muslim side. He sent for them and directed their immediate discharge. The Muslim recruits then started shouting slogans and advanced on Khan Qurban Ali Khan, to whom they were most insolent. He explained that as Inspector General he would have to see that justice was done and he could not have any of his men bullied. He was able to have the Muslim recruits marched off—there was no actual violence—but he has decided in consultation with the Inspector General and one of the Deputy Inspectors General that the Hindu and Sikh recruits must be sent on short leave at once, and that when they are out of the way, the Muslim recruits will have to be dealt with and some of them will have to be discharged. This incident deprives us of a reserve of anything up to 500 men—not highly trained perhaps, but useful in an emergency. Most of the recruits are ex-soldiers who are joining the Punjab Additional Police.

5. The Commander, Punjab Boundary Force, has a most difficult task. The population of the twelve districts in which he is operating is close on 14.5 million, and this population is distributed over 17,932 inhabited towns and villages. When the possibility of the enforcement of a Boundary award was first discussed, I estimated that we should need at least two Divisions of full strength and on a War footing—i.e. a minimum of about 20,000 effective fighting men. The effective strength of the P.B.F. is at present about 7,500, or including static troops and training centres about 9,000. Now that the Police are definitely unreliable in Lahore and Amritsar, the troops have a rapidly increasing responsibility. Neither the railways nor the main roads are safe, and the village raiding is quite impossible to control without a very great display of force. Fire power is really less important than numbers. Until 1946

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I do not think that we had ever experienced in India any large communal upheaval outside the cities—the Moplah rebellion[6] is perhaps an exception to this general statement. The lesson of the 1947 disturbances in the Punjab is that once the interlocked communities begin to fight all over the country-side, the only remedy is to employ a very large number of troops. I should say that the Amritsar district could at the moment do with two full-strength Brigades in addition to the old Police force. It has in fact one weak Brigade, and a Police force which has largely disintegrated.

6. It is impossible to say anything definite about the future. The Sikhs probably have two objectives in mind—they wish to take revenge for the Rawalpindi massacre,[7] and they wish to assert themselves on the boundary question. It is impossible to defend their conduct in any way, but the Muslims have failed to understand the horror caused by the Rawalpindi affair and seem to think that by reprisals they can bring the Sikhs to a less violent frame of mind. I very much doubt this—I believe that reprisals in Lahore will lead only to further outrages by the Sikhs, and so on.

The Hindus are thoroughly terrified, and the Muslim movement from the East is balanced by a similar movement of Hindus from the West. We seem to have for the moment scotched the main Hindu-Sikh bombing consipiracy,[8] and the Hindus are more concerned to get out of Lahore safely than with anything else.

Many of the Muslims are remarkably smug. They say that as soon as the British leave peace will be restored. It has long been rumoured that Daultana and his like intended to make as much trouble as possible during the last few weeks before the transfer of power so as to discredit the British regime. If this is so, it does not seem to have been appreciated that if all Muslim outrages stop in Lahore on the morning of 15th August, it will for practical purposes be clear that the local butchery was organised by the leaders themselves. Moreover, the disorders cannot benefit the Government of West Punjab in any way, and I should have expected the leaders to do everything possible to secure peace before the transfer of power. Some Muslims are most uneasy, and one very good Muslim Police officer has just resigned. I am told that he felt unable to serve in a completely communal regime. The Muslim League National Guards are now much in evidence in Lahore City, and the new Government may hand over certain Police duties to them. This will not please the old regular Police officers, and the less optimistic Muslims think that the leaders are no longer in

[5] See No. 448.
[6] The Moplahs were a Muslim community of Malabar, among whom there was a serious insurrection in 1921.
[7] cf. Vol. IX, Nos. 513 and 540.
[8] See correspondence ending with No. 403.

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control and that trouble will continue in West Punjab until the Sikhs are entirely suppressed.

7. The Punjab Partition Committee completed such work as it was able to do on 11th August, and I am about to issue the formal orders based on our deliberations. They are a poor collection, put together very hurriedly and drafted by various hands. I wish I could have made a cleaner job of the partition, but the Committee really agreed about very little, and most important questions were referred to arbitration or left over for the two new Governments to settle. We did, however, agree about certain general principles, and the two new Governments will start with some ready money and the kind of services they seem to want. Many officers are shocked at the communal composition of the services, and I think it is going to be very difficult to run West Punjab with practically no non-Muslims in responsible positions, and East Punjab without Muslims.

8. We have at last had some rain in Lahore, but it is probably too late to affect the Kharif prospects very much. The Hissar district is in a bad way, and we are beginning to import fodder. There will not be much of a Kharif except on irrigated land, and during the disturbances there has been a considerable increase in the cutting of canals.

9. This is, I suppose, the last letter to be sent by a British Governor of the Punjab to a British Viceroy. It takes with it my very best wishes to Your Excellency.

Yours sincerely,
E. M. JENKINS

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Telephone Message[1] from General Messervy and General Rees

R/3/1/171: ff 53–4

13 August 1947, 7.00 pm

The situation in East Punjab is bad. The Sikhs are operating in large gangs and we are lucky if we get information in time to intercept them. We have today intercepted some in the open, and it has been our most successful day. Casualties to one Sikh Jatha 69 killed and 10 wounded. There are also Muslim gangs about but not in the same numbers. We have also hit them once or twice. The situation in Amritsar is deteriorating owing to the disarming of Muslim Police by Hindu S.P.[2] That man has since been removed and arms are being restored to Muslim Police. The rural Muslim Police also ordered to hand in arms;

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country-side bereft of Police. Do not know whether any arms have yet come back. Shaukat Hayat went round starting evacuation. Intention was to evacuate smaller villages into larger ones. Some casualties amongst refugees on way to bigger villages. Also killing Muslim refugees (30 to 40) in village near Pati two or three days ago. Some refugees acted precipitatedly without waiting for escort or troops, which had been arranged. They met a horse Sikh Patrol, which led a Jatha on to the crowd and caused casualties. Rumours about trouble in Amritsar Station grossly exaggerated owing to incidents when small numbers of shots fired at Frontier Mail. Total casualties on that occasion, 1 man killed. Another killing of 30 Pathan Coolies at Bukka Dam project. These people intercepted on way to Amritsar Police Station by Sikhs. Some fled to jungle, fate not known. Effective strength of Police 30%, as 70% were Muslims, who were disarmed. Tara Singh now said to have issued a call off.

2. Lahore situation deteriorating owing to the defection of Muslim Police. Some taking local Muslim population's side, against Sikhs. British Officers pulling out tomorrow. Muslim National Guards in Lahore yesterday interfering where they should not do so. Shooting and arson in Lahore to-day. Large military force in city.

3. Two brigades supplied by Supreme Commander—one from Pakistan and one from India, moving to reinforce P.B.F. Postponement of Boundary Commission's award causing uncertainty.

4. Troops in good spirits and General Rees gives personal assurance that they understand that bloodshed does no good to either side. Their action has been completely impartial.

5. Total Muslim Casualties estimated up to date as not more than 1000.

[1] Received in the Viceroy's Private Office.
[2] See Nos. 432, para. 1 and 459, para. 3.

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Cabinet Office to U.K. High Commissioner in India

Telegram, L/S&G/7/1285: f 498

IMMEDIATE *13 August 1947, 4.25 pm*

UKRI 556. Please deliver following message from Prime Minister to Prime Minister of India on 15th August.

BEGINS. "My colleagues in the United Kingdom Government join with me

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in sending on this historic day greetings and good wishes to the Government and people of India.

It is our earnest wish that India may go forward in tranquility and prosperity and in so doing contribute to the peace and prosperity of the world." ENDS.

2. A similar message is today being passed direct to Grafftey-Smith for Prime Minister of Pakistan. Grateful if you would warn him by telegram to look out for this message.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Pakistan

MOST IMMEDIATE — KARACHI, *13 August 1947, 8.30 pm*
CONFIDENTIAL — *Received: 13 August, 5.45 pm*

No. 7-K. Your 10491 of 12th August.[1] Assets and liabilities. I fear it is quite out of the question for you to decide the allocation of cash balances. The matter has already been discussed here and Congress are prepared to discuss it again with the League, if necessary, after which arrangements have been made for it to be referred to Arbitral Tribunal.

[1] No. 447.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers, Official Correspondence Files: Hyderabad, Part I(b)

MOST IMMEDIATE — NEW DELHI, *13 August 1947, 6.40 pm*
CONFIDENTIAL — *Received: 13 August, 4.34 pm*

No. 3384-S. Reference your telegram 9385 dated July 21st.[1] I should be grateful if you would make an immediate submission to His Majesty recommending that second son of His Exalted Highness Nizam of Hyderabad be granted title of His Highness.

2. I am making this submission as H.E. the Crown Representative and would be grateful if you could obtain His Majesty's orders before transfer of power.[2]

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Patel has no objection. Gazette notification would of course be dated 14th, though it will appear later.

[1] See No. 11, note 4.
[2] Lord Mountbatten was informed in tel. 10644 of 14 August that the King had approved the proposal. L/P&S/13/1843: f 121.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/10/127: f 90

MOST IMMEDIATE KARACHI, *13 August 1947, 9.00 pm*
CONFIDENTIAL *Received: 13 August, 9.35 pm*

No. 14-K. At today's meeting in Karachi Pakistan cabinet urge[d] me to include in Pakistan Adaptation Order provision retaining Section 93 in modified form, text of which follows in my immediately succeeding telegram.

2. My Pakistan colleagues claim that this adaptation is neither *ultra vires* nor improper because the Governor-General acts on advice. My Reforms Secretariat, however, are of view that any such adaptation would be a fraud on Independence Act,[1] Section 8(2)(C) of which abolishes discretionary powers. My Pakistan colleagues rejoin to this that provincial administration on their scheme would be controlled not by Governor but by Governor-General acting on advice who would use Governor as a mere agent. My advisers comment that this argument assuming it to meet objection based on Section 8(2)(C) only does at cost of producing by a process of ostensible adaptation a position wholly at variance with Government of India Act 1935 in that geographical field would be invaded wholesale by Central Government.

3. I have pointed out that Pakistan Government Constituent Assembly can pass the desired provision at any time, but my colleagues press for inclusion thereof in my Adaptation Order. I would be grateful for most immediate advice on constitutional position.

4. Cooke knows background.

[1] No. 164.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/10/127: f 91

MOST IMMEDIATE KARACHI, *13 August 1947, 9.00 pm*
CONFIDENTIAL *Received: 13 August, 7.15 pm*

No. 15–K. My immediately preceding telegram.[1] *Begins.* Section 93(1). If at any time the Governor-General is satisfied that a grave emergency exists whereby the peace or security of Pakistan or any part there or [?thereof] is threatened or that a situation has arisen in which the Government of a Province cannot be carried on in accordance with the provisions of this Act he may by Proclamation direct the Governor of a province to assume on behalf of the Governor General all or any of the powers vested in or exercisable by any provincial body or authority. Any such proclamation may contain such incidental and consequential provisions as may appear to the Governor General to be necessary or desirable for giving effect to the objects of the Proclamation including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any provincial body or authority.

Provided that nothing in this subsection shall authorise the Governor General to direct the suspension of any of the powers vested in or exercisable by a High Court or to suspend either in whole or in part the operation of any provisions of this act relating to High Courts.

(2) Any such proclamation may be revoked or varied by a subsequent proclamation.

[1] No. 464.

466

Sir E Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II (b)

IMMEDIATE *13 August 1947, 11.40 pm*
CONFIDENTIAL *Received: 14 August, 9.00 am*

No. 231–G. Addressed Viceroy repeated to Secretary of State for India, Governors of the U.P., Sind and N.W.F.P.

Lahore city still very gravely disturbed. Casualties of August 12th numbered 40 including 34 non-Muslims. All victims were stabbed except 1 Muslim who

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was shot. In addition Muslims attacked Sind Express near Cantonment killing 9 and injuring about 30 non-Muslim passengers. Fires very numerous. Trouble continues today August 13th.

2. Amritsar city reports 2 Muslims and 1 Hindu killed by police or troops on August 12th afternoon and 3 Muslims and 5 Hindus stabbed. Also 10 fires and 4 bomb explosions. Party of Pathan labourers attacked by Sikhs on Grand Trunk Road near Chheharta and 30 killed. Commander Punjab Boundary Force informs me that 200 Muslims killed by Sikhs in village near Jandiala. One of his detachments with tanks encountered Sikh Jatha near Majitha and opened fire killing 61 and wounding 9. Today civil reports incomplete. Sikhs are well armed and in another encounter with troops on August 12th caused 2 casualties but lost 9 dead.

3. Gurdaspur reports 1 Sikh shot by police and 1 Hindu and 4 Muslims killed in communal incidents. Sialkot reports 2 Sikhs and 1 Muslim fatally stabbed. Also what is represented as communal clash between police and troops on Gurdaspur border. This is being investigated. Ludhiana reports village raid with 1 Muslim killed and 2 [group corrupt] killed. Ferozepore has had 2 Muslims killed and 8 injured by bombs. Also 2 non-Muslims killed.

4. General situation deteriorating.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(b)

IMMEDIATE *13 August 1947, 11.40 pm*
CONFIDENTIAL *Received: 14 August, 9.00 am*

No. 232-G. Addressed to the Viceroy repeated to Secretary of State.

My immediately preceding telegram.[1] Lahore urban area and Amritsar district are out of control. We hope to enforce curfew in Lahore from 2000 hours with the assistance of Punjab Boundary Force. I have authorised search of Dera Sahib Gurdwara in Lahore city as Sikhs have been firing from it today. Severe punishment inflicted by troops on Majitha Jatha may have deterrent effect in Amritsar. Commander Punjab Boundary Force informs me he hopes to be reinforced by two brigades.

[1]No. 466.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/128: f 38

MOST IMMEDIATE INDIA OFFICE, *13 August 1947, 8.00 pm*
CONFIDENTIAL *Received: 14 August, 6.00 am*

No. 10595. My telegram No. 10492 of 12th August.[1] I have now discussed matter with Cooke and understand that there is no question of fixing by Order contribution to be made by Pakistan in respect of national debt or Pakistan's share of cash balances.[2]

2. I agree that you should issue Order in your discretion in form given in your telegram No. 643–GT[3] subject to the amendments brought home by Cooke. In doing so you may make it public that you are acting with my approval.

3. I think that the further amendments set out in my two immediately following telegrams should also be made and I attach particular importance to the one about pensions.[4] I recognise that you cannot at this late stage get agreement of either party to these amendments and if for that reason you find it quite impossible to incorporate them you have discretion not to adopt them. I must, however, emphasise that if the one about pensions is not included I shall be placed in an extremely difficult position having regard to the fact that you are making it public that the Order is being issued with my approval.

4. Some further comments follow in my third succeeding telegram[5] which do not affect issue of Order.

[1] Tel. 10492 of 12 August referred to No. 422 and raised a few points on the Draft Order pending the arrival of Mr Cooke. L/P&J/10/128: ff 54–7.

[2] cf. Nos. 447 and 462.

[3] See No. 422, para. 8 and its note 5.

[4] These telegrams are not printed. In tel. 10596 of 13 August Lord Listowel explained that he understood from Mr Cooke that the Order was not intended to apply to pensions. In view of the interest taken in pensions in the United Kingdom, Listowel emphasised that it would be very difficult for H.M.G. to justify the exclusion of any provision for the distribution of pension liabilities in an Order which had been approved by the Secretary of State. He therefore suggested the insertion of a new Article covering pensions in the Order, the text of which was transmitted in tel. 10597 of 13 August. L/P&J/10/128: ff 35 and 33. The actual text of Listowel's Article may be found in the Order as issued; see No. 471, Article 11.

[5] No. 469.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/128: f 30

MOST IMMEDIATE INDIA OFFICE, *13 August 1947, 8.10 pm*
CONFIDENTIAL *Received: 14 August, 6.00 am*

No. 10598. My telegram No. 10597.[1]
I do not know whether you will have an opportunity to discuss draft Order with Jinnah while you are at Karachi. If not you will doubtless explain to him by telegram or letter factors which have influenced you.

2. We entirely agree with you that an Order of this sort is essential and that as regards the public debt there is no alternative but to put the responsibility on the Dominion of India[2] as stockholders must know to whom to look for payment. This course also seems in the best interests of Pakistan as if Pakistan assumed a joint liability with India for the public debt it may become liable for very substantial payments in the immediate future.

3. We have considered whether some face saving formula would be possible which would achieve the substance of what is desired. But no loss of face is involved and any such formula would inevitably obscure the meaning of a legal document of this character.

[1] See No. 468, note 4. [2] cf. Nos. 422 and 423.

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The Gazette of India Extraordinary

L/P&S/12/4638: f 17

NEW DELHI, *14 August 1947*

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)
NOTIFICATION

New Delhi, the 14th August 1947

NO. G. G. O. 17.—The following Order made by the Governor-General is published for general information:—

THE INDIAN INDEPENDENCE (INTERNATIONAL ARRANGEMENTS) ORDER, 1947

WHEREAS the agreement set out in the Schedule to this Order has been reached at a meeting of the Partition Council on the 6th day of August, 1947;

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AND WHEREAS it is intended that, as from the 15th day of August, 1947, the said agreement shall have the force and effect of an agreement between the Dominions of India and Pakistan;

NOW THEREFORE in exercise of the powers conferred upon him by section 9 of the Indian Independence Act, 1947 and of all other powers enabling him in that behalf, the Governor-General hereby orders as follows:—

1. This Order may be cited as the Indian Independence (International Arrangements) Order, 1947.

2. The agreement set out in the Schedule to this Order shall, as from the appointed day, have the effect of an agreement duly made between the Dominion of India and the Dominion of Pakistan.

SCHEDULE

AGREEMENT AS TO THE DEVOLUTION OF INTERNATIONAL RIGHTS AND OBLIGATIONS UPON THE DOMINIONS OF INDIA AND PAKISTAN

1. The international rights and obligations to which India is entitled and subject immediately before the 15th day of August, 1947, will devolve in accordance with the provisions of this agreement.

2. (1) Membership of all international organisations together with the rights and obligations attaching to such membership, will devolve solely upon the Dominion of India.

For the purposes of this paragraph any rights or obligations arising under the Final Act of the United Nations Monetary and Financial Conference will be deemed to be rights or obligations attached to membership of the International Monetary Fund and to membership of the International Bank for Reconstruction and Development.

(2) The Dominion of Pakistan will take such steps as may be necessary to apply for membership of such international organisations as it chooses to join.

3. (1) Rights and obligations under international agreements having an exclusive territorial application to an area comprised in the Dominion of India will devolve upon that Dominion.

(2) Rights and obligations under international agreements having an exclusive territorial application to an area comprised in the Dominion of Pakistan will devolve upon that Dominion.

4. Subject to Articles 2 and 3 of this agreement, rights and obligations under all international agreements to which India is a party immediately before the appointed day will devolve both upon the Dominion of India and upon the

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Dominion of Pakistan, and will, if necessary, be apportioned between the two Dominions.

MOUNTBATTEN OF BURMA,
Governor-General
K. V. K. SUNDARAM,
Officer on Special Duty

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The Gazette of India Extraordinary

L/P&J/10/128: ff 8–11

NEW DELHI, *14 August 1947*

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)

NOTIFICATION

New Delhi, the 14th August, 1947

NO. G.G.O.–18—The following Order made by the Governor-General is published for general information:—

THE INDIAN INDEPENDENCE (RIGHTS, PROPERTY AND LIABILITIES) ORDER, 1947.

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Indian Independence (Rights, Property and Liabilities) Order, 1947.

(2) It shall come into force at once.

2. (1) in this Order,—

"appointed day" means the fifteenth day of August, 1947;

"Arbitral Tribunal" means the Arbitral Tribunal constituted in accordance with the Arbitral Tribunal Order, 1947;[1]

"land" includes immovable property of every kind, and any rights in or over such property.

(2) The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) The provisions of this Order relate to the initial distribution of rights, property and liabilities consequential on the setting up of the Dominions of India and Pakistan, and shall have effect subject to any agreement between the

[1] No. 438.

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two Dominions or the Provinces concerned and to any award that may be made by the Arbitral Tribunal.

(2) Nothing in this Order affects the powers of control over military plant, machinery, equipment and stores conferred on the Joint Defence Council by the Joint Defence Council Order, 1947.[2]

(3) The powers of control over property conferred upon each of the Dominions by this Order shall include all the powers of use, consumption, management and disposition incidental to ownership; but each Dominion shall exercise the said powers with due regard to the interests of both Dominions, and shall carry out the terms of any agreement or award under which the property is to be transferred to the other Dominion.

4. All land which immediately before the appointed day is vested in His Majesty for the purposes of the Governor-General in Council shall on that day,—

(a) in the case of land situated in India or in the tribal areas on the borders of India, be under the control of the Dominion of India;

(b) in the case of land situated in Pakistan or in the tribal areas on the borders of Pakistan, be under the control of the Dominion of Pakistan;

(c) in the case of land which immediately before the appointed day is used for the purposes of any official representative of the Government of India in any other part of His Majesty's dominions or in a foreign country, be under the control of the Dominion of India; and

(d) in any other case, be under the joint control of the Dominions of India and Pakistan:

Provided that any land which, by virtue of the preceding provisions of this Article, is to be under the control of the two Dominions, and which is situated in an Indian State, shall, if within one month from the appointed day the State accedes to either of the two Dominions, be under the control of that Dominion as from the date on which the accession of the State becomes effective.

5. (1) All land which immediately before the appointed day is vested in His Majesty for the purposes of the Province of Bengal shall on that day—

(a) in the case of land situated in the Province of East Bengal, vest in His Majesty for the purposes of that Province;

(b) in the case of land situated in the Province of West Bengal, vest in His Majesty for the purposes of that Province; and

(c) in any other case, vest in His Majesty for the joint purposes of those two Provinces.

(2) All land which immediately before the appointed day is vested in His Majesty for the purposes of the Province of the Punjab shall, on that day—

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(a) in the case of land situated in the Province of West Punjab, vest in His Majesty for the purposes of that Province;

(b) in the case of land situated in the Province of East Punjab, vest in His Majesty for the purposes of that Province; and

(c) in any other case, vest in His Majesty for the joint purposes of those two Provinces.

(3) All land which immediately before the appointed day is vested in His Majesty for the purposes of the Province of Assam shall—

(a) in the case of land situated in that part of the Province which on that day becomes part of the Province of East Bengal, vest on that day in His Majesty for the purposes of the Province of East Bengal; and

(b) in any other case, continue to be vested in His Majesty for the purposes of the Province of Assam.

(4) All land which immediately before the appointed day is vested in His Majesty for the purposes of any Province other than Bengal, the Punjab or Assam shall continue to be vested in His Majesty for the purposes of that Province.

6. The Provisions of Articles 4 and 5 of this Order shall apply in relation to all goods, coins, bank notes and currency notes which immediately before the appointed day are vested in His Majesty for the purposes of the Governor-General in Council or of a Province as they apply in relation to land so vested.

7. (1) Subject to the provisions of this Order relating to certain contractual rights, this Article shall apply to all property, other than land, goods, coins, bank notes and currency notes, which immediately before the appointed day is vested in His Majesty for the purposes of the Governor-General in Council or of a Province.

(2) All such property shall on the appointed day vest in His Majesty for the joint purposes of the two Dominions, for the joint purposes of the Provinces of East Bengal and West Bengal, or for the joint purposes of the Provinces of East Punjab and West Punjab, or shall, as from that day, continue to be vested in His Majesty for the purposes of the Province, according as the purposes for which the property is held immediately before the appointed day are—

(a) purposes of the Governor-General in Council,

(b) purposes of the Province of Bengal,

(c) purposes of the Province of the Punjab, or

(d) purposes of a Province other than Bengal or the Punjab.

[2] No. 425.

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8. (1) Any contract made on behalf of the Governor-General in Council before the appointed day shall, as from that day,—

(a) if the contract is for purposes which as from that day are exclusively purposes of the Dominion of Pakistan, be deemed to have been made on behalf of the Dominion of Pakistan instead of the Governor-General in Council; and

(b) in any other case, be deemed to have been made on behalf of the Dominion of India instead of the Governor-General in Council;

and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the Governor-General in Council, be rights or liabilities of the Dominion of Pakistan or the Dominion of India, as the case may be.

(2) Any contract made on behalf of the Province of Bengal before the appointed day shall, as from that day,—

(a) if the contract is for purposes which as from that day are exclusively purposes of the Province of West Bengal, be deemed to have been made on behalf of that Province instead of the Province of Bengal; and

(b) in any other case be deemed to have been made on behalf of the Province of East Bengal instead of the Province of Bengal;

and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the Province of Bengal, be rights or liabilities of the Province of West Bengal or the Province of East Bengal, as the case may be.

(3) Any contract made on behalf of the Province of the Punjab before the appointed day shall, as from that day,—

(a) if the contract is for purposes which as from that day are exclusively purposes of the Province of East Punjab, be deemed to have been made on behalf of that Province instead of the Province of the Punjab; and

(b) in any other case be deemed to have been made on behalf of the Province of West Punjab instead of the Province of the Punjab;

and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the Province of the Punjab, be rights or liabilities of the Province of East Punjab or the Province of West Punjab, as the case may be.

(4) Any contract made before the appointed day on behalf of the Province of Assam, being a contract for purposes which, as from that day, are exclusively purposes of the Province of East Bengal, shall, as fro thatm day be deemed to have been made on behalf of the Province of East Bengal instead of the Province of Assam, and all rights and liabilities which have accrued or may accrue under

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the contract shall, to the extent to which they would have been rights or liabilities of the Province of Assam, be rights or liabilities of the Province of East Bengal.

(5) For the purposes of this Article there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract,—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(6) The provisions of this Article shall have effect subject to the provisions of Article 9 of this Order; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with as property to which Article 7 of this Order applies.

9. All liabilities in respect of such loans, guarantees and other financial obligations of the Governor-General in Council or of a Province as are outstanding immediately before the appointed day shall, as from that day,—

(a) in the case of liabilities of the Governor-General in Council, be liabilities of the Dominion of India;

(b) in the case of liabilities of the Province of Bengal, be liabilities of the Province of East Bengal;

(c) in the case of liabilities of the Province of the Punjab, be liabilities of the Province of West Punjab; and

(d) in the case of liabilities of any Province other than Bengal, or the Punjab, continue to be liabilities of that Province.

10. (1) Where immediately before the appointed day the Governor-General in Council is subject to any liability in respect of an actionable wrong other than breach of contract, that liability shall,—

(a) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Dominion of India, be a liability of that Dominion;

(b) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Dominion of Pakistan, be a liability of that Dominion; and

(c) in any other case, be a joint liability of the Dominions of India and Pakistan.

(2) Where immediately before the appointed day the Province of Bengal is subject to any such liability as aforesaid, that liability shall,

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(a) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Province of East Bengal, be a liability of that Province;

(b) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Province of West Bengal, be a liability of that Province; and

(c) in any other case, be a joint liability of the Provinces of East and West Bengal.

(3) Where immediately before the appointed day the Province of the Punjab is subject to any such liability as aforesaid, that liability shall,—

(a) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Province of West Punjab, be a liability of that Province;

(b) where the cause of action arose wholly within the territories which, as from that day, are the territories of the Province of East Punjab, be a liability of that Province; and

(c) in any other case, be a joint liability of the Provinces of East and West Punjab.

(4) Where immediately before the appointed day the Province of Assam is subject to any such liability as aforesaid, then, if the cause of action arose wholly with the territories which, as from that day, are the territories of East Bengal, the liability shall, as from that day, be a liability of the Province of East Bengal.

11. (1) Nothing in the preceding provisions of this Order affects the liability of either Dominion or of any Province in respect of the payment of any pension.

(2) Where before the appointed day the Governor-General in Council or any Province is subject to any liability in respect of any pension, that liability shall, as from the appointed day,—

(a) in the case of a liability of the Governor-General in Council, be a liability of the Dominion of India;

(b) in the case of a liability of the Province of Bengal, be a liability of the Province of East Bengal;

(c) in the case of a liability of the Province of the Punjab, be a liability of the Province of West Punjab; and

(d) in the case of a liability of any Province other than Bengal or the Punjab, continue to be a liability of that Province.

12.(1) Where immediately before the appointed day the Governor-General in Council is a party to any legal proceedings with respect to any property,

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rights or liabilities transferred by this Order, the Dominion which succeeds to the property, rights or liabilities in accordance with the provisions of this Order shall be deemed to be substituted for the Governor-General in Council as a party to those proceedings, and the proceedings may continue accordingly.

(2) Where any Province from which property, rights or liabilities are transferred by this Order is, immediately before the transfer, a party to legal proceedings with respect to that property or those rights or liabilities, the Province which succeeds to the property, rights or liabilities in accordance with the provisions of this Order shall be deemed to be substituted for the other Province as a party to those proceedings, and the proceedings may continue accordingly.

(3) Any proceedings which, immediately before the appointed day, are pending by or against the Secretary of State elsewhere than in the United Kingdom in respect of any liability of the Governor-General in Council or a Province shall,—

(a) in the case of proceedings in respect of a liability of the Governor-General in Council be continued by or against the Dominion which succeeds to the liability;

(b) in the case of proceedings in respect of a liability of the Province of Bengal, the Province of the Punjab, or the Province of Assam, be continued by or against the Province which succeeds to the liability; or

(c) in the case of proceedings in respect of a liability of any other Province, be continued by or against that Province.

13. (1) Where by virtue of the preceding provisions of this Order either of the Dominions or any Province becomes entitled to any property or obtains any other benefits, and it is just and equitable that that property or those benefits should be transferred or shared with the other Dominion, or with any other Province, as the case may be, the said property or benefits shall be allocated in such manner as, in default of agreement, may be determined by the Arbitral Tribunal.

(2) Where by virtue of the preceding provisions of this Order either of the Dominions or any Province becomes subject to any liability, and it is just and equitable that a contribution towards that liability should be made by the other Dominion, or by another Province, as the case may be, the other Dominion or Province shall make to the Dominion or Province primarily subject to the liability such contribution in respect thereof as, in default of an agreement, may be determined by the Arbitral Tribunal.

(3) In determining what is just and equitable for the purposes of this Article the parties concerned and the Arbitral Tribunal shall be guided by the

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principles laid down in any relevant decision of any of the bodies referred to in paragraph (2) of Article 4 of the Arbitral Tribunal Order, 1947.

MOUNTBATTEN OF BURMA,
Governor-General
K. V. K. SUNDARAM,
Officer on Special Duty

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Rear-Admiral Viscount Mountbatten of Burma to Pandi Nehru

R/3/1/171: f 60

14 August 1947

Dear Mr. Nehru,

With reference to the letter[1] which I wrote to you yesterday on the point of my departure for Karachi, I am delighted to be able to inform you that I have prevailed on Mr. Jinnah to send up Mr. Liaquat Ali Khan and one other representative to attend this vital meeting on the morning of the 16th in Delhi.[2]

In view of the difficult military situation which has arisen in the Punjab I am also proposing to call a meeting of the Joint Defence Council for 10.30 a.m. on the 16th, to enable the Supreme Commander to give the Council an account of his visit to the area, which I understand he is paying today.[3] There would be no other business on the agenda, and the meeting should not occupy more than fifteen minutes.

I feel there is nothing to prevent you and Sardar Patel joining the Joint Defence Council to hear this report from the Supreme Commander, and I would therefore urge that you and Sardar Patel should come at 10.30. Field Marshal Auchinleck, Sardar Baldev Singh and I would leave the meeting as soon as the former's report was over, and then I would suggest leaving you and Sardar Patel to have your discussion with Mr. Liaquat Ali Khan and his colleague.

Yours sincerely,
MOUNTBATTEN OF BURMA[4]

I am enclosing an extra copy of this letter to save you the trouble if you wish to send it on to Sardar Patel inviting him to join this meeting. I have not communicated with him.

I also enclose a copy of my letter[5] to Sardar Baldev Singh.

[1] No. 454. [2] See *ibid.*, note 2. [3] See No. 486.

[4] On 15 August, Pandit Nehru acknowledged receipt of this letter and stated that he and Sardar Patel would be present at the meeting of the Joint Defence Council on 16 August. R/3/1/171: f 61.

[5] Not printed.

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Lieutenant-General Sir A. Smith to Sir G. Abell

R/3/1/171: f 57

NO. 190/CGS CHIEF OF THE GENERAL STAFF INDIA,
NEW DELHI, *14 August 1947*

My dear George,
Reference telegram from the Governor of the Punjab to the Viceroy No. 230–G of 12 August.[1]

Late on the evening of the 12th August, the Secretary, Defence Department, Pakistan, telephoned to me to say that his Government wished reinforcements to be sent to the Punjab Boundary Force. The same day I had received a similar request from General Rees Commanding the Punjab Boundary Force.

As this Force was set up by order of the Joint Defence Council, theoretically no increase can be made without the approval of the Joint Defence Council. However, as that would have taken too long, yesterday I got the agreement of HMD, India, to send reinforcements to General Rees.

We have now selected three battalions from Pakistan and three battalions from India. A warning order has gone out to these battalions to be ready to move, and the difficult problem of the railway move is now being studied.

I anticipate that these six battalions should reach the Punjab in about a week's time.

I will inform the C-in-C when he returns of the position, but before he left for Karachi, he had already approved in principle the supply of reinforcements.[2]

Yours ever,
ARTHUR SMITH

[1] No. 448.
[2] On 14 August Lord Ismay minuted: 'I assume that the Commander-in-Chief will report the facts of the case to the Joint Defence Council next Saturday [16 August].' Lord Mountbatten replied: 'Yes' R/3/1/171: f 58.

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The Nizam of Hyderabad to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(b)

HYDERABAD, DECCAN, *14 August 1947*

My dear Lord Mountbatten,
I am grateful for Your Excellency's letter of the 12th August 1947[1] which was

[1] No. 440.

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delivered to me by Sir Walter Monckton. I have had a long talk with Sir Walter on the subject. It is a source of satisfaction to me that Your Excellency appreciates my readiness to co-operate with the Dominion of India in the three essential fields of External Affairs, Defence and Communications. I am also glad to see from your letter that there is no intention to interfere with the existing administrative arrangements or to disturb the *status quo* in Berar.

(2) I know that Your Excellency will have understood from my letter of the 8th August 1947[2] that I am not prepared to execute an Instrument of Accession. At the same time, I share Your Excellency's wish to find a solution satisfactory to us all and I hope that continuance of negotiations will produce this result.

Yours sincerely,

MIR OSMAN ALI KHAN

[2] No. 376.

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Mr Griffin to Sir T. Shone

L/P&S/13/1807A: ff 143–4

NO. 467/47/R/4 NEW DELHI, *14 August 1947*

Dear Shone,

I am writing to you at the request of Menon, Secretary of the States Department of the Government of India, about the records of the Crown Representative which have recently been transferred to your custody. He is anxious that, if occasion arises to consult these records, his Department should be given all necessary facilities.

2. In this letter, a copy of which I am sending to Menon, I will try to explain as clearly as I can the position in regard to these records as we view it.

3. The Government of India or, in appropriate cases, the Government of Pakistan, are succeeding to the great bulk of the Crown Representative's records, which relate to matters of common concern to the States and what is now British India. There are other records, however, which the Crown Representative cannot hand over to a Successor Government. Such records are those containing information which came into the possession of the Crown Representative because of the Crown's special relations with Rulers based on treaties and agreements and was relevant only to the functions of paramountcy in connection with successions and intervention in the internal affairs of a State. These functions lapse and cannot be inherited. Moreover, His Majesty's

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Government have pledged themselves not to transfer paramountcy in any circumstances to a Successor Government in India. It would, therefore, be a grave breach of confidence if the Crown Representative were to transfer to a Successor Government records containing information regarding the private lives of Rulers and the internal affairs of States.

4. The decision that records of this nature should be transferred to the custody of the U.K. High Commissioner for India was taken in consultation with, and with the full agreement of, those qualified to speak on behalf of the two Dominions.[1] Thus, there has been nothing surreptitious or underhand in the transfer of these records. It would follow logically from what I have said above that the States Department could not, without breach of confidence on the part of the Crown, be allowed access to these records for purposes of reference. This conclusion must, however, be subject to considerable qualification in view of two factors. In the first place the sorting of records has necessarily been done at high speed and there may be among the records transferred to your custody a small number to which the Government of India (or Pakistan) have a legitimate right of succession. Secondly, though the paramountcy of the Crown cannot be inherited or transferred, it may be that the Government of India (or Pakistan) will assume, in relation to certain States and with the consent of those States, a position not dissimilar from that formerly occupied by the paramount power. In such an event, records useful to the Government of India (or Pakistan) for the performance of what would thus have become their legitimate functions (e.g. decision of succession cases) could without objection be transferred to those Governments.

5. It would, I think be improper to supply a Dominion Government with copies of the lists of records transferred to your custody since those lists, in themselves, contain significant references to matter which it would be a breach of confidence to disclose. I see no objection however to authorised representatives of the States Department being shown relevant entries in the lists when they require information which is not otherwise available; and there are, no doubt, records useful to the States Department which it will be possible to transfer to them without breach of confidence.

6. I should add, in conclusion, that records received by you from Residencies may, owing to errors of sorting, include records prior to 1880. If so, these can be transferred at once to the Imperial Record Department who are already in possession of most of the Crown Representative's records up to that date. Indeed, a stage may come when the disclosure of all the confidential records now in your custody will be justified. When this stage is reached, and no

[1] See Vol. XI, No. 175, pp. 325–6 and 327.

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breach of confidence is involved, appropriate arrangements will doubtless be made between His Majesty's Government and the Dominion Government concerned.

Yours sincerely,
C. L. GRIFFIN

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U.K. High Commissioner in India to Cabinet Office (Extract)

Telegram, L/E/8/4875: f 491

IMMEDIATE NEW DELHI, *14 August 1947, 12.55 pm*
Received: 14 August, 6.25 pm

IRKU 618. UKRI 556[1] and 559.[2]
As it was uncertain when I should be able to see Pandit Nehru tomorrow (when there is a whole series of ceremonies and celebrations), I gave him Prime Minister's and Archbishop of Canterbury's messages today explaining that they were to be regarded as given first thing on August 15th. Moreover, it was desirable to ensure that messages should be published as soon as possible here, as others will appear in press tomorrow.

2. Pandit Nehru has now sent me following replies for Prime Minister and Archbishop.[3]

3. To the Prime Minister of the United Kingdom.
On behalf of my colleagues in the Government of India and myself I wish to express our grateful thanks for your message of greeting on this historic day when India emerges into freedom. That freedom means much to us, but it also means much to Asia and the world. We hope to utilise that freedom for the advancement of our own people as well as for the furtherance of the peace and prosperity of the world. In these great tasks we shall look forward to the closest co-operation with your Government.

* * *

[1] No. 461.
[2] Not printed. UKRI 559 of 13 August transmitted a message, to be delivered on 15 August, from the Archbishop of Canterbury to Pandit Nehru. L/S &G/7/1285: f 501.
[3] Pandit Nehru's reply to the Archbishop of Canterbury has not been printed in this extract.

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Sir F. Wylie to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/7/12506: f 79

IMMEDIATE LUCKNOW, *14 August 1947, 2.45 pm*
UNNUMBERED *Received in India Office: 14 August, 12.10 pm*

The Union Jack on Lucknow Residency was lowered at 20 hours on 13 August.[1]

Repeated to Secretary of State for India.

[1] It would appear that Sir F. Wylie acted a day early; cf. Nos. 243, para. 6 and 409. Various applications were made for custody of the flag before it was agreed, with the King's approval, that it should be hung at Windsor Castle. L/P&J/7/12506.

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India and Burma Committee. Paper I.B. (47) 156

R/30/1/12: f 37

LETTER FROM LADY MOUNTBATTEN

NOTE BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *14 August 1947*

I think my colleagues will be interested to see the annexed letter which I have received from Lady Mountbatten.

L.

Annex to No. 478

LETTER FROM LADY MOUNTBATTEN TO LORD LISTOWEL

DATED 7TH AUGUST 1947

I have been most touched by your kind and generous references to me, during the recent Parliamentary Debates on India.[1]

It has been a great privilege to be here in the last months and in these critical times, clouded though they have often been with tragedy and obstacle.

The sympathy, understanding and real friendship which we have been shown by Indians of all denominations and political beliefs, and in all walks of life, have however made our tasks very happy as well as very inspiring ones.

[1] In paying tribute to Lord Mountbatten in the debate on the Indian Independence Bill in the House of Lords on 16 July, Lord Listowel made the following reference to Lady Mountbatten: 'The gratitude and affection he has earned from Indians in so short a time are also felt for Lady Mountbatten whose tireless energy and unfailing tact have been a far from negligible factor in his success.' *Parl. Debs.*, 5th ser., H. of L., vol. 150, col. 810.

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Would you please also tell Lord Samuel[2] how much I appreciated his kind remarks.

We can never be sufficiently grateful for the magnificent support which you and your colleagues have given us throughout these vital months.

[2] In the same debate on 16 July Lord Samuel commented: 'I think those who are acquainted with the course of these events will join with the noble Earl, Lord Listowel, in thanking Lady Mountbatten for the share she has had in fostering that atmosphere of friendship and good will which has so largely contributed to the results that have been achieved.' *Ibid.*, col. 829.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/127: ff 88–9

MOST IMMEDIATE INDIA OFFICE, *14 August 1947, 12.30 pm*

No. 10633. Your telegram No. 14K of 13th August.[1] It seems to me of doubtful legality to amend Section 93 in way desired by Pakistan Government by means of adaptations under Section 9 of Indian Independence Act.[2] It would certainly seem inconsistent with the spirit of the Indian Independence Act. Decision whether or not to make it is mainly a political one and its doubtful legality seems to me conclusive argument against your including it in any adaptation order issued by you today.

2. I recognise that Pakistan Government genuinely feel this power to be essential for safety of Pakistan and it is not unreasonable that in conditions of India special reserve powers should exist for dealing with grave threats to security of the Dominion or Province or with breakdown of Dominion or Provincial constitutions. I am however sure that you are right in suggesting that Pakistan Government's correct course is to seek such powers as they need from Pakistan Constituent Assembly which is now in session.

[1] No. 464. [2] No. 164.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/PO/10/18: f 309

14 August 1947, 1.00 pm[1]

No. 109. Private. Following personal from Lord Listowel.

May I say before I leave the India Office what a great privilege it has been for me to be associated with you in the unique record of British service to India

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marked by your Viceroyalty. I believe that your outstanding ability and fearless determination have saved India from unimaginable disaster and that your achievement will be remembered in time to come as one of the greatest feats of statesmanship in history. Your brilliant handling of the situation in India has inspired all my staff for the final effort after many years of patient endeavour and I should like to thank you on their behalf. I wish you the utmost success in your new appointment as Governor-General of India.

[1] Time of despatch has been taken from the India Office register of outward telegrams.

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Sir G. Cunningham (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/165: ff 75–77

GOVERNMENT HOUSE, PESHAWAR, N.W.F.P.
14 August 1947

Dear Lord Mountbatten,

This is to thank Your Excellencies again for your kindness to my wife and myself at Delhi.[1] I appreciated very much the time that you spared to discuss NWFP affairs when you were so busy, and the background I got thereby has been very valuable. I am sending with this a brief note I have just dictated of my talks so far. There is, I think, no doubt that J. will order the dismissal of the Ministry on 16–18th Aug.[2] but I am not particularly gloomy as to the course of events thereafter.

I hope you are having a successful and not too tiring visit to Karachi.

With our kindest regards to Your Excellency and our sincere wishes that your time as Governor General of the new India may be as brilliantly successful as the Viceroyalty of the old.

Yours sincerely,
GEORGE CUNNINGHAM

Enclosure to No. 481

SECRET *14 August 1947*

I

I saw Dr. Khan Sahib on the evening of 13th August, and told him pretty frankly everything that had passed between me and Jinnah in Karachi on the 11th. I told him that I had said to Jinnah that as Governor I was of course bound to carry out loyally such directions as he gave me as Governor-General;

[1] See No. 489, para. 28.
[2] Dr Khan Sahib's Ministry was in fact replaced by Abdul Qaiyum's Ministry on 22 August 1947.

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but that I had to satisfy my own conscience as to any action that I took myself, and that therefore I had asked to be given a day or two after my arrival in Peshawar to talk to local leaders and to judge for myself what their attitude was. I repeated to Khan Sahib what I had said to Jinnah: that the only grounds on which I considered I would feel justified in dismissing Khan Sahib myself would be:

(a) if he insisted on declaring that Pathanistan was to be an independent unit, or

(b) if he could not satisfy me that he meant genuinely to co-operate with the Pakistan Constitution.

I then said that Jinnah had agreed that I could wait until the 15th August before sending him my final views.

2. Khan Sahib's attitude, which emerged only after a great deal of talk, can, I think, be summarised as follows:

(a) As long as he remains Minister he will do nothing injurious to the Pakistan Constitution, and that, if the final Constitution decided upon by the Constituent Assembly was one that he felt he could not support, he would give up the Ministry.

(b) He has no intention of making any declaration about an independent Pathanistan.

(c) If Jinnah dismisses his Ministry they would accept that decision and not give any trouble; when, however, I pressed him on this point, he said that of course if a Muslim League Ministry were installed in their place there probably would be trouble. (He seemed to have an idea that something analogous to Section 93 administration might be imposed until the next General Election).

3. I then told Khan Sahib that I thought I ought to have a talk to Abdul Qaiyum, as leader of the Opposition, on the 14th, and that I would try to see Khan Sahib again either on the 14th or the 15th. I decided that it would be better at this stage not to give him any indication of what I was going to do. He was in a very friendly frame of mind, and promised that he and the other Ministers would go to the flag-hoisting ceremony on the 15th. I asked him what sort of flag he was going to fly on his house from the 15th onwards, and he said that he would pull down his present Congress flag and probably fly nothing in its place.

II

I saw Abdul Qaiyum on the morning of the 14th. To him, too, I explained, as I had to Khan Sahib, what had passed between me and Jinnah, and I added that Jinnah had said that whatever assurance I gave him about Khan Sahib's genuineness of intention to co-operate he could not trust it. It seemed probable

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to me therefore that when I send my report to Jinnah, as I probably would on the evening of the 15th, Jinnah would at once take the necessary steps to dismiss the Congress Ministry and to instal a Muslim League Ministry in their place. But I said he must say nothing of this to his friends as he must not not embarrass Jinnah's decision.

2. Abdul Qaiyum thinks that a great deal of the Congress threat of disturbance (if they are dismissed) is bluff, and he said that if we could show troops in 3 or 4 of the bad areas there would probably be no serious trouble. He thought we would probably get away without having to arrest the Red Shirt leaders. He also talked a good deal of the misdeeds of the Congress Ministry, their unscrupulous distribution of arms licences, their abuse of patronage in the matter of supply permits, etc, and their interference with the law courts. He was certain in his own mind that Congress meant to do their best to make Pakistan a failure. He promised that if the Muslim League came into power these abuses would all be shut down with a bang. I think that he really means this. He said that he thought the sooner the dismissal of the Congress Ministry was announced the better. I said that I thought that there was no chance of his hearing anything until the 16th, and that I rather hoped that it might not be until the 18th, when the *roza* would be ending and troops could be moved with less difficulty. I told him that I would probably see Khan Sahib on the evening of the 15th, and wire to Jinnah the same night.

3. Abdul Qaiyum seems to me to have acquired more sense of responsibility than he was showing 18 months ago. He spoke without any bluster, and I was generally quite favourably impressed. He told me that he thought his Ministry would be 3 in number; the other two would be Habibullah Khan of Bannu (quite a good man) and Abbas Khan of Mansehra (an honest, nice creature, but rather weak).

G. CUNNINGHAM
Governor, NWFP

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/139: ff 242–4

QASR-I-SULTANI, BHOPAL, *14 August 1947, 8.15 pm*

My dear Lord Mountbatten,

Please refer to your letter of the 11th August 1947[1] in regard to an extension of ten days for Bhopal for the signing of the Instrument of Accession.

I am accepting your private advice contained in para. 8 of your letter under

[1] No. 435.

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reference, namely that I should sign the Instrument of Accession and Standstill Agreement as soon as possible (before midnight 14th August 1947) and hand them to you in a sealed envelope to keep in your personal custody until I have made up my mind one way or the other.

In accordance with the contents of your letter of the 11th August, and the arrangement arrived at between us at our meeting[2] at the Viceroy's House on the 12th August at 4.30 p.m., I have signed and dated my Instrument of Accession and Standstill Agreement before midnight August the 14th 1947, and am sending them, as *per* agreement between us, in a sealed envelope with instructions in my own handwriting on the envelope that it shall not be opened or delivered to the States' Department until the evening of the 25th August 1947, unless I authorise you to deliver it earlier. I shall be grateful if you will please, as agreed, lock the sealed envelope in your private box and, in accordance with the undertaking given by you, will not deliver it to the States' Department or to any one else before the evening of the 25th of August, 1947, unless I authorise you to do so earlier. Should I decide not to accede, Your Excellency will, in accordance with the further undertaking given by you in your letter of the 11th August 1947, return to me any time up to the evening of 25th August 1947, the sealed envelope, containing the Instrument of Accession and Standstill Agreement signed by me and placed in your safe custody. I note that Sardar Patel has given his consent to these arrangements. I shall be grateful if a proper acknowledgment and receipt of this letter and the sealed envelope is kindly given to me by you and handed to the bearer of this letter.

Complete secrecy shall, as far as humanly possible, be maintained over this special treatment which my State is being accorded. I note that Sardar Patel has also agreed equally to maintain secrecy.

As regards my abdication, the situation here is so tense and so highly charged that if I abdicate at this juncture it will, I now find, lead to most horrible consequences. The life of a single Hindu or Moslem subject of mine is far more dear to me than a thousand abdications whatever the reason for the abdication may be. I have therefore decided not to abdicate at present.[3]

I will let you know my final decision in regard to the accession of my State on or before the 25th August, 1947.

I am enclosing in the sealed envelope, which is being sent to you for safe custody until the 25th August, 1947, copies of the following documents:—

1. Instrument of Accession—signed.
2. Standstill Agreement—signed.
3. Memorandum[4] of clarification of Draft Instrument of Instructions as the result of discussions[5] between H.E. the Crown Representative and H.H. the Ruler of Bhopal on 6th August, 1947, with a copy of the covering

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letter[6] addressed by Sir Zafrulla Khan to Mr. V. P. Menon of the States' Department.

4. The States' Department's reply[7] to Sir Zafrulla Khan's letter confirming the record of discussion[8] between the Viceroy, Mr. Menon and H.H. of Bhopal and Sir Zafrulla Khan.
5. Your letter dated 11th August, 1947, addressed to me.
6. My letter addressed to you dated the 14th August (8.15 p.m.) 1947.

Yours very sincerely,

HAMIDULLAH[9]

[2] Not traced. On 12 August, upon receipt of No. 435 and its Enclosure, the Nawab of Bhopal had written a personal letter to Lord Mountbatten requesting a brief interview to discuss 'the abdication part of your letters'. Mountbatten Papers, Official Correspondence Files: Bhopal.

[3] The Nawab of Bhopal had also written a personal letter to Lord Mountbatten on 14 August describing his reception upon arrival in his State from Delhi the previous day. He commented that he had been greeted at the airfield by a crowd of at least 50,000 Hindus and Muslims 'all in great excitement and determined to prevent me from carrying out my intention of voluntarily retiring from the helm of the State'. Similar scenes awaited him upon arrival at his Palace. Bhopal explained that he had been 'deeply moved by this demonstration' and that he had therefore decided, 'for the present at any rate', to shelve the question of his abdication. R/3/1/139: ff 239–41. See also No. 489, para. 47.

[4] Not traced. [5] Not traced but cf. Nos. 366 and 385, paras. 7–8.

[6] and [7]. Not traced. [8] Not traced but cf. No. 426, note 1.

[9] Lord Mountbatten acknowledged receipt of this letter and the sealed envelope on 16 August. He added: 'I am hoping to receive instructions to be allowed to deliver this earlier, since complete secrecy will not be easy to maintain for the whole of ten days; and alternatively, of course, I am ready to return it to you unopened if you so request.' Mountbatten also stated that he was 'delighted that you have in case decided not to abdicate for I know that this is the courageous, wise, and right decision in all the circumstances'. R/3/1/139: ff 245–6.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/PO/10/18: f 309

14 August 1947, 4.50 pm[1]

No. 110. Private. Following personal from Prime Minister.

My warmest thanks to you on this day which sees the successful achievement of a task of an unexampled difficulty. The continued skill displayed in meeting every difficulty has been amazing. Your short tenure of the Viceroyalty has been one of the most memorable in the long list. In this message of thanks I include Edwina, Ismay and your other helpers.[2]

[1] Time of despatch has been taken from the India Office register of outward telegrams.

[2] On 12 August Mr Addis sent a note to Mr Attlee saying that it had been suggested to him that he (Attlee) might wish to consider sending a short message to the Viceroy to be delivered on 15 August when his memorable term of office came to an end. Mr Attlee responded with the above message which is drafted in his own hand. Lord Mountbatten replied on 17 August in tel. 24-EC1 as follows: 'Thank you so much for the most encouraging telegram I have ever received and which has given equal pleasure to Edwina, Ismay and all my staff. My late private secretary Abell left by air yesterday with instructions to report personally to you and give an account of unprecedented happenings on 15th August.' PRO. Prem 8/571.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/8/663: f 24

IMMEDIATE LAHORE, *14 August 1947, 9.10 pm*
CONFIDENTIAL *Received in India Office: 15 August, 1.05 am*

No. 234-G. Situation in Lahore City and Amritsar District still most unsatisfactory. Two trains reported attacked in Rawalpindi area presumably by Moslems as reprisal for Sikh activities in Central Punjab. Re-arrangement of personnel as preliminary to partition completed. Situation will now be for new Governments to deal with.

Repeated to Secretary of State for India.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/10/117: f 108

IMMEDIATE NEW DELHI, *14 August 1947, 10.15 pm*
Received: 15 August, 2.30 am

No. 3408-S. A crisis has arisen over awards of the Boundary Commissions. I am reporting in full in my weekly report[1] the history of events which have led up to the present situation. In the meantime it is essential that H.M.G. should be in possession of outline of facts of the case, which are as follows.

2. I personally have scrupulously avoided all connection with Boundary Commissions, including interpretation of their terms of reference and putting before them the various points of view forwarded to me.

3. The leaders representing the two future Governments themselves

(a) selected personnel of Commissions, including Radcliffe;[2]

(b) laid down terms of reference;[3]

(c) agreed inclusion of sub-clauses 3(4) and 4(3) of the Indian Independence Bill which made Chairman's decision binding;[4]

(d) issued a statement[5] from Partition Council pledging themselves to accept awards of Commissions whatever these might be: and, as soon as awards were announced, to enforce them impartially.

4. On 11th August Ismay received a verbal message from Liaquat to the effect that Gurdaspur, or a large portion of it, had been given to East Punjab

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by Boundary Commission; that it was reported that this was a political decision and not a judicial one; and that, if it was true, it was a grave injustice which would amount to a breach of faith on the part of the British.

5. In his answer[6] Ismay pointed out that award had not yet been sent in; and emphasised the points mentioned in paras. 2 and 3 of this telegram.

6. Radcliffe sent in the Bengal award on 12th August. This contained the allocation of Chittagong Hill Traces to Pakistan and I was warned that there would be serious reactions amongst Congress leaders at this.

7. On 13th I received a letter[7] from Patel, who had seen a deputation of Chittagong Hill Tribes and told them that the proposition that Chittagong Hill Tracts might be included in Pakistan was so monstrous that if it should happen they would be justified in resisting to utmost of their power and [?could] count on his maximum support in such relations [? resistance]. He adds that any award against weight of local opinion and of terms of reference, or without any referendum to ascertain will of people concerned must, therefore, be considered a collusive or partisan award and will have to be repudiated.

8. I have taken following action:—

(a) I have decided not to publish awards myself;

(b) I have told Governors concerned that new Provinces must carry on on notional partition boundaries on 15th and until awards are published and implemented,[8]

(c) I have arranged a meeting[9] of representatives of the two Governments on the (?work) in order:

(i) to decide upon timing and method of publication and

(ii) to decide method of implementing undertaking of Partition Council to accept award and to enforce decisions contained in it.

9. My next telegram[10] contains a summary of Boundary Commission's award.[11]

[1] No. 489, paras. 2–18.
[2] See Vol. XI, Nos. 128, 175, Item 2, 207, 317 and 369, para. 11.
[3] See *ibid.*, Nos. 158 and 311, para. 2.
[4] See No. 52, Case No. P.C. 26/4/47 and No. 164.
[5] No. 224. [6] No. 428.
[7] No. 452.
[8] See No. 446; also No. 453.
[9] See No. 454 and its note 2, and No. 472.
[10] Not printed. The awards of the Boundary Commissions are printed as Appendices to No. 488.
[11] In tel. 579 of 16 August Sir A. Carter asked Sir T. Shone to convey to Lord Ismay a message which referred to the above telegram from Lord Mountbatten (and the telegraphic summary of the award which succeeded it) and continued: 'In view of great importance of this matter could you arrange to let Shone know privately of any significant developments in this matter up to the time of publication of the awards, whenever that may be, so that Shone can keep Secretary of State for Commonwealth Relations secretly informed of the position.' L/P &J/10/117: ff 104–5.

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Note by Field Marshal Sir C. Auchinleck

R/3/1/171: ff 62–4

SECRET *15 August 1947*

NOTE ON SITUATION IN PUNJAB BOUNDARY FORCE AREA FOR JOINT DEFENCE COUNCIL[1]

1. I visited Lahore on the 14th August on my way back to Delhi from Karachi and discussed the situation at length with Sir Evan Jenkins and Major-General Rees, the Commander of the Punjab Boundary Force.

My conclusions are set out in the following paragraphs and represent my personal opinion based on my conversations at Lahore and intelligence reports received in the last week or ten days.

2. *Amritsar* and vicinity. The strife here was started by the Sikhs who have formed armed bands of considerable strength which are carrying out raids on Muslim or preponderantly Muslim villages. Three or four such raids have been occurring nightly. These bands are well organised and often include mounted men who are used as scouts to reconnoitre for a favourable opportunity.

One such band is reliably reported to have killed 200 Muslims in one village a few days ago. The connivance of subjects of Sikh states is strongly suspected.

There are also Muslim bands organised for the same purpose, but these are fewer in number, smaller in size and less well organised apparently.

The Army has had some successful encounters with some of these bands and has caused considerable casualties in some instances where bands have been caught red handed. The difficulty is always of course to catch the offenders in the act as lethal weapons can not be used against apparently peaceful villagers unless these obstruct or themselves attack the troops as has happened in some cases.

Constant and continuous patrolling is being carried out, but the area is large and the troops are few in relation to it. There is no remedy for this, unless the troops are permanently posted in villages as armed police and this is neither practicable or desirable.

In Amritsar City the casualties (predominantly Muslim apparently) were high and largely due to the emasculation of the City Police force by the disarming by a new Superintendent of Police of the Muslim members of it. This has since been rectified and the official replaced.[2] Several houses were burning in Amritsar City as I flew over it and four or five villages within ten or fifteen miles of the City were apparently completely destroyed by fire and still burning. The Army is occupying the City in some strength.

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3. *Lahore.* The aggression here is chiefly by Muslims, said to be in retaliation for the massacring of Muslims in Amritsar. The most disturbing feature here is the defection of the Police, particularly the special Police, who are predominantly Muslim.[3] There is very strong evidence that the Police are taking little notice of the orders of their officers (all the remaining European officers left yesterday) and that they have actually joined hands with the rioters in certain instances.[4]

But for the presence of the Army there would by now be a complete holocaust in the City. Local Muslim leaders are trying to persuade the Muslim soldiers to follow the bad example of the Police—*so far*[5] without apparent success.

Muslim League National Guards also appear to be acting in the furtherance of disorder.[6]

It is estimated that as many as one tenth of the houses in Lahore City may have been destroyed by fire, or say about 15% of the total area of the City. Destruction to this extent was not readily apparent as I flew over the City but shells of burnt out houses are not always easy to distinguish in a crowded city like Lahore. A large number of houses were still burning and a thick pall of smoke hung over the City. There were also many houses on fire in the neighbouring suburbs and villages. The roads and streets were practically deserted.

The civilian casualties in the Force Area up to the 13th were estimated to be about 1500 killed and wounded, all due to communal strife.[7] The troops in their clashes with riotous mobs are believed to have killed or wounded over 200 Muslims and non-Muslims in the proportion of 1:2

In some instances mobs or jathas have resisted the troops and fought back. The troops have captured mortars, tommy guns and rifles, and the Sikh bands are some of them armed with light machine guns.

Ex-"I.N.A." personnel are known to have been involved in the East Punjab and are said to have been recruited in the Police in the same area.

4. *Communications.* The usual police arrangements for the protection of the railways (village chowkidars) have completely broken down and the only safeguard now is patrolling by troops, but these are too few to provide adequate protection.[8]

[1] This note formed the basis of Field Marshal Sir C. Auchinleck's report to a meeting of the Joint Defence Council on 16 August. A record of the meeting may be found on R/3/1/171: ff 66–76. See also Nos. 472, 473 and 489, paras. 19–23.

[2] See Nos. 432, para. 1, 437, 459, para. 3 and 460, para. 1.

[3] cf. Nos. 448 and 459, para. 4.

[4] cf. No. 460, para. 2. [5] Emphasis in original. [6] cf. Nos. 448 and 459, para. 2.

[7] cf. No. 466. [8] cf. No. 448.

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Railway personnel are afraid to leave their houses to go to work, so a breakdown or at least a severe curtailment of railway services seems inevitable unless there is an immediate cessation of communal strife. Such a breakdown will naturally restrict the mobility of the Army and its power to move reserves rapidly to danger areas and will also largely put a stop to the process of Reconstitution of the Armed Forces.

5. *Boundary Commission.* The delay in announcing the award of the Boundary Commission is having a most disturbing and harmful effect.[9] It is realised of course that the announcement may add fresh fuel to the fire, but lacking an announcement, the wildest rumours are current, and are being spread by mischief makers of whom there is no lack.

6. *General.* The position is thoroughly bad and is getting worse, particularly as the trouble has now spread to districts Sialkot and Gujranwala, where trains have been attacked.

Large scale uncontrolled evacuation of Muslims is going on from Amritsar District.

On morning 15th August train held up three miles from Wazirabad, casualties estimated 100 killed 200 wounded by stabbing.

Train derailed at Sialkot and attacked by mob of 3000 which was dispersed by troops opening fire.

Fifteen passengers killed in another train near Wazirabad.

Trains also attacked near Rawalpindi and several killed.[10] Train also attacked outside Lahore—nine killed.

N.W.R. has stopped running trains except Mails, Expresses and Military Mails. No Goods running as train crews not reporting for duty.

7. *Conclusion.* Two more brigades (one from India and one from Pakistan) and one mixed armoured squadron are being sent to reinforce Punjab Boundary Force,[11] but no amount of troops can stop the indiscriminate butchery which appears to be going on on both sides.

General Rees and his Brigade Commanders are doing all they can and so far the troops have been completely impartial and extremely well disciplined, in spite of baseless and mischievous stories to the contrary which are being spread, in some cases by people in responsible positions. Such stories do the greatest possible harm and may well result in the troops ceasing to be impartial, in which event, the situation, bad as it is now, would become truly terrible.

So far as Lahore is concerned, Muslim League leaders are said to claim that after the 15th August they will be able to control the situation and stop the butchery and burning now going on. I hope that this is true and that the same may apply to the East Punjab Districts, because the Army is now stretched to

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its fullest extent and it is going to be most difficult, if not impossible, to find any more troops.

C. J. AUCHINLECK
F.M.

[9] cf. No. 460, para. 3. [10] cf. No. 484.
[11] cf. Nos. 382, 437, para. 3 and 473.

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Minutes[1] *of a Meeting between Rear-Admiral Viscount Mountbatten of Burma and representatives of India and Pakistan*

L/P&J/10/117: ff 19–22

CONFIDENTIAL

Those present at this Meeting held at Government House, New Delhi, on 16 August 1947 at 5.00 pm were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Mr Fazlur Rahman, Sardar Baldev Singh; Mr Mohammad Ali, Rao Bahadur, V.P. Menon, Lieutenant-Colonel Erskine Crum (Secretariat)

THE AWARDS OF THE BOUNDARY COMMISSIONS

1. The meeting considered the awards[2] of the Boundary Commissions, copies of which had been given to the Ministers after the Joint Defence Council meeting that morning.

BENGAL

2. PANDIT NEHRU said that he had never considered that the allocation of the Chittagong Hill Tracts to East Bengal was possible under the terms of reference of the Boundary Commission. Eminent lawyers had confirmed this point of view. These Tracts were an excluded area, and were not represented in the Bengal Council. He and his colleagues had given assurances to petty chiefs from the Chittagong Hill Tracts who had come to see them, that there was no question of the territory being included in Pakistan. The population of the Chittagong Hill Tracts, though small (approximately ½ million) was 97% Buddhist and Hindu. There was not the least doubt that the people themselves would prefer to form part of India. On religious and cultural grounds the Chittagong Hill Tracts should form part of India. Sir Cyril Radcliffe had had no business to touch them.

[1] In his letter of 19 August to Sir T. Shone, Commander Nicholls explained that he had been asked by Lord Mountbatten to forward a copy of these minutes and referred to the message from the Commonwealth Relations Office (see No. 385, note 11). Shone then forwarded the minutes to Sir A. Carter on 22 August and explained: 'I am grateful to His Excellency for sending me this paper, but I am sure you will agree that its contents and the fact that it has been communicated to me and by me to you, should be treated with the utmost secrecy.' L/P&J/10/117: ff 18 and 17.

[2] See Appendices to No. 488.

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3. THE GOVERNOR GENERAL explained the reasons why Sir Cyril Radcliffe has included the Chittagong Hill Tracts in East Bengal. He emphasized particularly the economic ties which bound Chittagong District and the Hill Tracts together. He stressed the importance to Chittagong Port of the proper supervision of the Karnaphuli River, which ran through the Hill Tracts.

4. MR. FAZLUR RAHMAN gave his opinion that the Chittagong Hill Tracts could not exist if separated from Chittagong District. In his view, the allocation of these Tracts to East Bengal was unquestionably permissible under the terms of reference. In fact the "contiguity" clause of the terms of reference would not have permitted their allocation to West Bengal.

5. THE GOVERNOR GENERAL said that it had been Sir Frederick Burrows' view that the whole economy of the Chittagong Hill Tracts would be upset if they were not left with East Bengal. However, he had confirmed that Sir Frederick had not expressed any view on this matter to Sir Cyril Radcliffe, so he could not be said to have influenced the decision.

6. THE GOVERNOR GENERAL suggested the possibility of a compromise whereby the upper waters of the Karnaphuli would be protected through the allocation of a strip of territory on either side of the river to East Bengal, while the administration of the rest of the Hill Tracts would be undertaken by India.

7. This was not considered a satisfactory solution by either party. PANDIT NEHRU'S view was that India should undertake the administration of the whole territory; a strip on either side of the river allocated to Pakistan would cut the territory in two. If the Chittagong Hill Tracts were given to India, an agreement between the two Dominion Governments, whereby Pakistan would obtain all desired facilities, could well be made.

8. MR. LIAQUAT ALI KHAN said that he could not consider any suggestion of an adjustment in this territory alone. The awards of both Commissions must be looked at as a whole. If this was done, it would be found that Sir Cyril Radcliffe had completely ignored the fundamental basis of his terms of reference. Moreover, the Chittagong Hill Tracts were the only source of hydro-electric power in East Bengal.

9. THE GOVERNOR GENERAL then suggested that the two Governments might agree on an exchange of territory, whereby the Chittagong Hill Tracts would go to India and some predominantly Muslim area which had been allotted by the Commission to India would go to Pakistan.

10. MR. LIAQUAT ALI KHAN emphasized that the awards of the Commissions, taken as a whole, had been so unfavourable to Pakistan, that he could not consider any minor modification only, such as had been suggested.

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11. MR. FAZLUR RAHMAN protested strongly against the allocation of the Districts of Darjeeling and Jalpaiguri to India. In his view, Sir Cyril Radcliffe had violated the basic principle of his terms of reference in making this decision.

PUNJAB

12. PANDIT NEHRU said that he considered that the award of the Boundary Commission in the Punjab was likely to have a bad effect among the Sikhs, who presented a particularly difficult problem.

13. SARDAR BALDEV SINGH also considered that the reaction to the award would be very unfavourable on the Sikh mind.

14. MR. LIAQUAT ALI KHAN said that it would have a similarly unfavourable reaction among the Muslims He emphasized that he, as Prime Minister of Pakistan, considered it his duty to stand up for the rights of the Sikhs in West Punjab as much as the India leaders stood up for their rights in East Punjab. He emphasized that complete religious freedom would be allowed.

15. SARDAR PATEL'S view was that the only solution to the Punjab award was a transfer of population on a large scale.

16. THE GOVERNOR GENERAL said that he had spoken to Mr. Jinnah about Nankana Sahib. Mr. Jinnah had stated that he had it in mind to give the Sikhs any religious assurances that were required in connection with their Gurdwara there. The GOVERNOR GENERAL suggested that a specific statement on Nankana Sahib might be made by the Pakistan Government at the same time as the issue of the Boundary Commission award.

17 MR LIAQUAT ALI KHAN said that he understood that it was Sir Francis Mudie's view that the Punjab Boundary Force should be separated and be put under the control of the two Governments rather than under joint control. It was agreed that this suggestion should be considered at the meeting at Ambala the following day.

18. PANDIT NEHRU suggested that he and Mr. Liaquat Ali Khan should also visit Lahore and Amritsar the following day, and this was agreed.

19. PANDIT NEHRU said that he had received particularly alarming reports from Lahore, where many hundreds of Sikhs and Hindus were gathered together in relief camps without proper protection and without rations. MR. LIAQUAT ALI KHAN undertook to get into touch with the Prime Minister of West Punjab and ask him to ensure that full measures were taken for the protection of refugees. He further suggested that the Punjab Boundary Force should be asked to assist in the evacuation of refugees.

THE PUBLICATION OF THE AWARDS

20. MR. LIAQUAT ALI KHAN said that he was opposed to any suggestion

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that adjustments between representatives of the two Governments should be made at the present meeting. He considered that the awards of the Boundary Commission should be published as they stood.

21. THE GOVERNOR GENERAL suggested that in the communiqué stating that the awards had been considered by the Prime Ministers, it might be stated that they had come to the conclusion that there were certain unsatisfactory features which they proposed to take up forthwith on a governmental level. MR. LIAQUAT ALI KHAN was opposed to this suggestion. He considered, and it was agreed, that the communiqué should only make mention of the fact of the meeting, and not draw attention to any dissatisfaction, nor to any proposals for the transfer of population.

22. PANDIT NEHRU finally emphasized that he and his colleagues felt themselves to be in a moral impasse about the Chittagong Hill Tracts, because, throughout the previous two or three months, they had given countless assurances to the representatives of that territory that it could not be included in Pakistan. Furthermore, this action had been taken after consultation with lawyers.

23. It was agreed that the Governor General should issue the awards in the form of a Gazette Extraordinary the following day, and that copies of the awards should be sent immediately to the Governors of East and West Bengal and East and West Punjab.

24. It was further agreed that a draft communiqué[3] handed round at the meeting should be issued that night, subject to certain amendments which were made.

VISITS OF MINISTERS OF ONE DOMINION TO THE OTHER DOMINION

25. MR. LIAQUAT ALI KHAN suggested that instructions should be issued to all officials to the effect that when Ministers of one Dominion wished to visit the other Dominion, full information of their intentions should be given to all concerned. With this Pandit Nehru agreed.

[3] Not printed.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND TOP SECRET *16 August 1947*

My dear Listowel,

Thank your for your last weekly letter, dated 9th August.[1] Although I under-

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stand you will have relinquished office as Secretary of State officially on the 15th August, I am addressing this last letter to you in order that you may decide how the various outstanding points may be dealt with.

2. You asked in paragraph 10 of your letter of 25th July[2] that I should use my influence to persuade the Central and Provincial Governments to reconsider their attitude on the question of applying the Pensions (Increase) Act 1947 to pensioners of Indian Services in the U.K.

3. I spoke to Rajagopalachari, while he was still Finance Member, and to Liaquat Ali Khan,[3] but I am afraid it is doubtful whether they will agree as there is a good deal of feeling against increasing liabilities by way of pensions, etc. in any form. The matter will, however, be carefully examined.

4. I am sorry that Nehru made his rather embarrassing request to allow Sir N. R. Pillai, Mr K. P. S. Menon and Mr. K. K. Chettur to receive certain Peruvian Orders without letting me know. After I received your telegram of 26th July,[4] however, I made enquiries and found that Nehru himself was by no means happy about the telegram which had gone to you. A letter from my Secretary to the Department, pointing out that the grant of restricted permission to receive these Orders would be at variance with the practice followed by His Majesty's Government, and that it might be difficult to explain to His Majesty why Indian officials should be permitted to accept Orders from a foreign Head of State while declining to accept them from him, gave Nehru the opportunity he needed to withdraw the request. I understand that considerable pressure had been put upon Nehru to make the original request and he was glad of an excuse to withdraw it.

5. In my last weekly report[5] (paragraph 43) I stated that I was sending to Mr. Jinnah a bowdlerized version of a paper, prepared by General Messervy, on the problems facing the Pakistan Army. In fact, I later discovered that General Messervy himself had sent Mr. Jinnah a copy of his own paper; and so my version was never despatched.

6. Thank you for the memorandum on the North-West Tribal Area and Afghanistan which you sent with your letter of August 1st.[6] I discussed it with Cunningham on his way to Peshawar. We agreed that the present is not an appropriate time for me to open this matter with the Political Leaders.

7. There is nothing in the Frontier situation which made it necessary for me to speak of it before the 15th August, particularly since Mr. Jinnah made it clear in a statement to the Press on the 31st July[7] that tribal allowances, etc.,

[1] No. 402. [2] No. 231.
[3] No record of these discussions has been traced but cf. No. 322.
[4] Not traced.
[5] No. 385. [6] No. 310.
[7] See Nos. 336 and 349. The date of the statement should be 30 July.

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will be continued after the 15th August until the Pakistan Government can negotiate new agreements with the Tribes, and that control in the Political Agencies would be continued as at present.

8. I am sure it is necessary that the new Governments in Pakistan and India should start to function, and begin to feel the impact of events before they can shape their foreign policy.

9. Opportunity will undoubtedly occur in the next few months for consultation between the Pakistan Government and Afghanistan and also H.M.G's representatives, about the Frontier policy.[8] At the moment the Government of India are disinclined to own to any interest in the Frontier, and disclaim any responsibility for its affairs or defence.[9] This attitude will, I hope, mellow as time goes on, and I trust that India, and more particularly, Pakistan, will come to appreciate the need for a common policy in this region, and will welcome the interest and support of H.M.G. in carrying it out. I would suggest that background should be given to both the U.K. High Commissioners and they be instructed to pursue the matter as opportunity offers in the next few months.

10. The communiqué[10] on the negotiations between Kalat and Pakistan, a draft of which I attached to my last letter,[11] was published on 11th August with the following amendments. Paragraph 1 should read:—

> "The Government of Pakistan recognises Kalat as an independent sovereign State in treaty relations with the British Government, with a status different from that of Indian States."

In paragraph 2, the words "treaties and" should be omitted.

11. I have referred, in paragraphs 1 and 2 of the attached Report,[12] to the awards of the Boundary Commissions. I do not, however, think that these would be of sufficient interest to all the recipients of the "V.P.R.". I am, therefore, sending you copies of these awards as Appendices I, II, and III to this letter.

12. In paragraph 41 of my last Personal Report[13] I mentioned that Ismay had made a statement to the Joint Defence Council about his conversations with the Chiefs of Staff in England, and it occurs to me that the Chiefs of Staff might wish to know what he said. I therefore enclose[14] (at Appendix IV) a copy of the notes from which he spoke. You will see that, in agreement with me, he dealt with the subject on very general lines and made no mention of Naval or Air Bases, etc. It would have been a mistake to do [so] at this stage, since it would have merely frightened them off. Even as it was, the Indian Leaders did not look too happy about the future prospects, and would not commit themselves further than to say that they would examine Ismay's statement carefully and then let us have their reactions.

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13. I am all in favour of the Chiefs of Staff's Mission coming as soon as possible, but I do not want them to come before the two new Governments have got over their teething troubles, have got their Defence Departments more or less organised, and have begun to know and trust their British Commanders-in-Chief. As a rough guess, I should say that a suitable target for the delegation to arrive would be about the middle of October: but I will, of course, send a firm recommendation in due course.[15]

14. I have asked Pandit Nehru's concurrence to proceed home for about a fortnight (from about 10th–24th November) to attend the wedding of Princess Elizabeth and my nephew.

15. I was very touched by your kind farewell telegram[16] and deeply appreciated the very generous remarks that you made. Abell, my late P.S.V., left today by air and I asked him to go and see you and give you an account of the perfectly amazing scenes which occurred on the 15th August,[17] and which I feel demonstrate the real good feelings that now exist between the British and the Indians.

16. I realise that during these last few weeks we have had to take the bit between our teeth. It is almost impossible to describe the atmosphere in which we have been living or the strain to which everyone has been subjected. Of the six British members of the "operational staff" I brought out with me, four have been in bed recently for longer or shorter periods under the doctor's care. Mieville has been quite seriously ill with thrombosis; Ismay is still in bed with a very bad go of dysentery; my two "personal" (Navy) secretaries, who now become my "private" secretaries, have both been in bed, the senior one, Brockman, having had a relapse through trying to get back to work too quickly.

17. It is impossible to over-estimate the value which George Abell and his gallant "P.S.V." team (John Christie, Ian Scott and Peter Scott) have been to the "U.K." team. They had every reason for their noses to be put out of joint by the new set up, but they played up 100 per cent, and without them we could never have achieved the success which has come our way.

18. Before coming out I asked for a generous allowance of honours and I had at the back of my mind that if we made a success of this job I would like

[8] See Nos. 309 and 310. [9] cf. No. 429.
[10] See Appendix 'A' to No. 330 for the original draft and Nos. 351, 360, 375 and 396 for correspondence on subsequent amendments.
[11] See No. 384, para. 2. [12] No. 489.
[13] No. 385.
[14] Not printed; see No. 352, Case No. J.D.C. 47/7/47.
[15] cf. No. 443. For the outcome of the proposed mission by the Chiefs of Staff, see L/WS/1/1046–7. See also H. V. Hodson, *The Great Divide: Britain–India–Pakistan*, London 1969, pp. 513–6.
[16] No. 480. [17] See No. 489, paras. 62–73.

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every member of my small team to receive recognition. Now that I myself (to my very great surprise) have received an Earldom,[18] I feel it is all the more important that this recognition should be given to my staff. I will be sending in their names in the ordinary way for the Honours List, but I hope that you will be able to leave a note to the appropriate authorities that no one on my special list shall be turned down.

19. Old members of the I.C.S. out here say that never at any time has the India Office been quite so helpful, quite so quick and quite so valuable as during the last few weeks. I certainly could not have wished for any better support.

Again all my most sincere and heartfelt thanks.

Yours sincerely,
MOUNTBATTEN OF BURMA

Appendix I to No. 488

L/P&J/10/117: ff 30–39

NEW DELHI, *12 August 1947*

REPORT

To:—

His Excellency the Governor-General.

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by the announcement of the Governor-General dated the 30th of June 1947, Reference No. D50/7/47R. The members of the Commission thereby appointed were

Mr. Justice Din Muhammad,
Mr. Justice Muhammad Munir,
Mr. Justice Mehr Chand Mahajan, and
Mr. Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows:—

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account

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other factors." We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July 1947, to Thursday the 31st of July 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments were conducted by counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly: but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all material submitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the west and on the east respectively which provoked no controversy as to which State they should be assigned to; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors", which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line.[19] In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and

[18] See No. 300.

[19] The Reports by the Members of the Punjab Boundary Commission may be consulted at the I.O.L.R. on a microfilm of Partition Proceedings supplied by the National Documentation Centre, Pakistan. IOR Pos. 3658.

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in the map attached thereto, Annexure B.[20] The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States were interested in canals whose headworks were situate in the Punjab Province. I have taken the view that an interest of this sort can not weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreements that either of those States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned. I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

9. The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to be relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are legitimate criticisms to be made of it: as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that

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ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tahsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore–Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura, and Lyallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

CYRIL RADCLIFFE

Annexure A to Appendix 1

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tahsil to the point where the Pathankot, Shakargarh and Gurdaspur tahsils meet. The tahsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

[20] The original maps attached to the reports of the Boundary Commission have not been traced. The Boundary Commission maps reproduced at the end of this Volume have been taken from the *Report on the Last Viceroyalty, 22 March–15 August, 1947*, copies of which may be found on L/P &J/5/396, which was written by Earl Mountbatten and is dated September 1948. These maps are reproduced with the permission of the Foreign and Commonwealth Office Research Department which was responsible for their production. It should be noted that in each of his awards Sir C. Radcliffe stated that in the event of any divergence between the boundaries as described in the annexures and as delineated on the maps, the descriptions in the annexures were to prevail. cf. also No. 377, note 1.

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2. From the point of meeting of the three tahsils above mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the tahsils of Gurdaspur and Shakargarh, the boundary between the tahsils of Batala and Shakargarh, the boundary between the tashsils of Batala and Narowal, the boundary between the tahsils of Ajnala and Narowal, and the boundary between the tahsils of Ajnala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The tahsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi, shall constitute the boundary between the East and West Punjab.

3. From the point on the river Ravi where the district of Amritsar is divided from the district of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the tahsils of Ajnala and Lahore and then the tahsils of Tarn Taran and Lahore, to the point where the tahsils of Kasur, Lahore and Taran Taran meet. The line will then turn south-westward along the boundary between the tahsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jharolian. It will then run along the eastern boundary of that village to its junction with village Chathianwala, turn along the northern boundary of that village, and then run down its eastern boundary to its junction with village Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuwan. The line will then run down the eastern boundary of village Panhuwan to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the north and villages Sheikhupura Kuhna, Kamalpuran, Fatehwala and Mahewala. The line will the turn northward along the western boundary of village Sahjra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the

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junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke, and Gajjal. From that point the line will run along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tahsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map[21] of the Kasur tahsil authorized by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the Districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and West Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Puniab so much of the territory concerned as covers the headworks, and the boundary shall be adjusted accordingly.

6. So much of the Punjab Province as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

Appendix II to No. 488

L/P&J/10/117: ff 40–47

NEW DELHI, *12 August 1947*

REPORT

To:—

His Excellency the Governor-General.

1. I have the honour to present the decision and award of the Bengal Boundary

[21] A photostat of this map may be found in an envelope at the back of L/P &J/10/117. Sir C. Radcliffe signed the map in the following manner: 'Attached to my Report d. 12 August 1947 for reference. Cyril Radcliffe. Chairman, Punjab Boundary Commission.'

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Commission, which, by virtue of section 3 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission. This award relates to the division of the Province of Bengal, and the Commission's award in respect of the District of Sylhet and areas adjoining thereto will be recorded in a separate report.

2. The Bengal Boundary Commission was constituted by the announcement of the Governor-General dated the 30th of June, 1947, Reference No. D50/7/47R. The members of the Commission thereby appointed were

Mr. Justice Bijan Kuman Mukherjea,
Mr. Justice C. C. Biswas,
Mr Justice Abu Saleh Mohamed Akram, and
Mr. Justice S. A. Rahman.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows:—

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous [majority] areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

5. The public sittings of the Commission took place at Calcutta, and extended from Wednesday the 16th of July 1947, to Thursday the 24th of July 1947, inclusive, with the exception of Sunday, the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress, the Bengal Provincial Hindu Mahasabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other. In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and all material submitted for our consideration.

6. After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and discussion of the issues involved. Our discussions took place at Calcutta.

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7. The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

8. In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:—

(1) To which State was the City of Calcutta to be assigned, or was it possible to adopt any method of dividing the City between the two States?

(2) If the City of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia River system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges–Padma–Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Malda and Dinajpur?

(6) Which State's claim ought to prevail in respect of the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2·42 per cent of the whole in the case of Darjeeling, and to 23·08 per cent of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent of the whole, but which it was difficult to assign to a State different from that which controlled the district of Chittagong itself?

9. After much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues.[22] There were of course considerable areas of the Province in the south-west and north-east and east, which provoked no controversy on either side: but, in the absence of any

[22] The Reports by the Members of the Bengal Boundary Commission may be consulted at the I.O.L.R. on a microfilm of Partition Proceedings supplied by the National Documentation Centre, Pakistan. IOR Pos. 3658.

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reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

10. This I now proceed to do: but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult questions involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B,[23] the description in Annexure A is to prevail.

11. I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

CYRIL RADCLIFFE

Annexure A to Appendix II

1. A line shall be drawn along the boundary between the Thana of Phansidewa in the District of Darjeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the Thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the nothern corner of the Thana Debiganj to the boundary of the State of Cooch-Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the Thanas of Haripur and Raiganj in the District of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the Districts of 24 Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the Province of Bengal as lies to the west of it shall belong to West Bengal. Subject to what has been provided in paragraph 1 above with regard to the Districts of Darjeeling and Jalpaiguri, the remainder of the Province of Bengal shall belong to East Bengal.

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3. The line shall run along the boundary between the following Thanas:

Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat. It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal–Assam Railway in the eastern corner of the Thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that railway and follow that edge until it meets the boundary between the Thanas of Balurghat and Panchbibi.

4. From that point the line shall run along the boundary between the following Thanas:

Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Dhamairhat, Tapan and Patnitala; Tapan and Porsha; Bamangola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. The line shall then turn south-east down the River Ganges along the boundary between the Districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the River Mathabanga takes off from the River Ganges. The district boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.

6. From the point on the River Ganges where the channel of the River Mathabanga takes off, the line shall run along that channel to the northern-most point where it meets the boundary between the Thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

7. From this point the boundary between East and West Bengal shall run along the boundaries between the Thanas of Daulatpur and Karimpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chuadanga and Krishnagani; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Maheshpur and Hanskhali; Maheshpur and Ranaghat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighata; Gaighata and Kalaroa; to the point where the boundary

[23] See above, note 20.

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between those thanas meets the boundary between the districts of Khulna and 24 Parganas.

8. The line shall then run southwards along the boundary between the Districts of Khulna and 24 Parganas, to the point where that boundary meets the Bay of Bengal.

Appendix III to No. 488

L/P&J/10/117: ff 48–52

NEW DELHI, *13 August 1947*

REPORT

To:—

His Excellency the Governor General.

1. I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam. By virtue of Section 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

2. The Bengal Boundary Commission was constituted as stated in my report dated the 12th of August 1947 with regard to the division of the Province of Bengal into East and West Bengal. Our terms of reference were as follows:—

> "The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.
>
> In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining districts of Assam."

3. After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number of such memoranda and representations was received.

4. The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August 1947, for the purpose of hearing arguments. The main arguments were conducted on the one side by counsel on behalf of the Government of East Bengal and the Provincial and District Muslim Leagues; and on the other side, by counsel on behalf of the Government of the Province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the open sittings

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as I was at the time engaged in the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all material submitted for the Commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to. These discussions took place at New Delhi.

5. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission.[24] Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words "the adjoining districts of Assam" as meaning any districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to East Bengal was limited to the District of Sylhet and contiguous Muslim majority areas (if any) of other districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that the "adjoining districts of Assam" did not extend to other districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

6. It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and section 3 of the Indian Independence Act, 1947, the whole of the District of Sylhet at least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

7. We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed. But all my colleagues came to the conclusion that we were intended to divide the Sylhet and adjoining districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors. I am glad to adopt this view.

8. The members of the Commission were however unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion

[24] See No. 318 and its Enclosures.

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of their differences,[25] they invited me to give my decision. This I now proceed to do.

9. In my view, the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

10. Out of 35 thanas in Sylhet, 8 have non-Muslim majorities; but of these eight, two—Sulla and Ajmiriganj (which is in any event divided almost evenly between Muslims and non-Muslims), are entirely surrounded by preponderatingly Muslim areas and must therefore go with them to East Bengal. The other six thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000; while the other, Karimganj, with a population of over 568,000 people, has a Muslim majority that is a little larger.

11. With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the Sub-division as a whole Muslims enjoy a very small majority being 51% of the total population. I think that the dependence of Kathichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the Sub-division of Hailakandi, comprising a population of 166,536, from the Province of Assam to the Province of East Bengal.

12. But a study of the map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole District. Not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas

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must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:—

A line shall be drawn from the point where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those Thanas, then along the boundary between the Thanas of Patharkandi and Barlekha, then along the boundary between the Thanas of Karimganj and Barlekha, and then along the boundary between the Thanas of Karimganj and Beani Bazar to the point where that boundary meets the River Kusiyara. The line shall then turn to the east taking the River Kusiyara as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map marked A[26] is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and as described in paragraph 13, the written description is to prevail.

CYRIL RADCLIFFE

[25] The Reports by the Members of the Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam may be consulted at the I.O.L.R. on a microfilm of Partition Proceedings supplied by the National Documentation Centre, Pakistan. IOR Pos. 3658.

[26] See above, note 20.

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Viceroy's Personal Report No. 17

L/PO/6/123: ff 245–63

TOP SECRET *16 August 1947*

AND PERSONAL

This last week of British rule in India has been the most hectic of any. We have been working longer hours and under more trying conditions, and with crises of differing magnitudes arising every day, and sometimes two or three times a day. The problem of the States continued to occupy most of my time, particularly of those Rulers who have kept changing their mind up to the last moment, whether to accede to India, to Pakistan, or to neither. I paid my farewell visit to Karachi, and took part in unbelievable scenes on the day of the transfer of power in Delhi. The issue which has created the greatest and most

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serious crisis to date has been the awards of the Boundary Commissions, a summary of which is given in Appendix I.[1]

2. I had always anticipated that the awards could not possibly be popular with either party, and that both would probably accuse the Chairman of the Boundary Commissions of being biased against them. I have therefore taken the greatest pains not to get mixed up in the deliberations of the Commissions in any way. In fact, though I have repeatedly been asked both to interpret the Boundary Commissions' terms of reference and to put forward to them certain points of view (for example on behalf of the Sikh Princes), I have resolutely refused to do this.[2] I have firmly kept out of the whole business but I am afraid that there is still a large section of public opinion in this country which is firmly convinced that I will settle the matter finally.[3] For this reason I made my position as regards the Boundary awards absolutely clear in my address to the Indian Constituent Assembly (Appendix II).[4]

3. I feel it necessary to put on record a brief review of the history of the Boundary Commissions, for the crisis that has been caused is in my opinion the most serious we have ever had to meet, and might have undone all the work of the past four months—so bitter have been the feelings.

4. On 10th June, Nehru wrote agreeing to the proposal that each Commission should consist of an independent chairman and four other persons of whom two would be nominated by the Congress and two by the Muslim League.[5] This proposal was agreed to by Jinnah.[6]

5. On 12th June, Nehru sent in the proposed terms of reference for the Boundary Commissions[7] which were accepted by Jinnah on 23rd June.[8] These were the exact terms which were subsequently issued, namely:—

For the Punjab.

The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

For Bengal.

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

For Sylhet.

In the event of the referendum in Sylhet District of Assam resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission

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for Bengal will also demarcate the Muslim majority areas of Sylhet District and contiguous Muslim Majority areas of adjoining districts.

6. At a Partition Council Meeting on 27th June[9] the leaders of both parties agreed that Sir Cyril Radcliffe, whose name had been put forward as a candidate for the Arbitral Tribunal, should be asked to be Chairman of both Boundary Commissions. At a Partition Council Meeting on 10th July,[10] it was agreed that no direction in addition to the terms of reference should be given to the Boundary Commissions; and that it should be left to their own discretion to interpret their terms of reference.

7. At this same Partition Council Meeting it was agreed that the Secretary of State should be asked to add the following sub-clause to the Indian Independence Bill[11] It was added as sub-clause (4) and sub-clause (3) to Section 3 and 4 respectively:—

"In this section, the expression 'award' means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings."[12]

8. At a Meeting on 22nd July,[13] the Partition Council issued a statement in which they pledged themselves to accept the awards of the Boundary Commissions whatever these might be; and, as soon as the awards were announced, to enforce them impartially.

9. The first indication that the reception which the awards were likely to have was going to be even worse than anticipated was contained in a message given to Ismay on behalf of Liaquat Ali Khan by the Pakistan Cabinet Secretary (Mohamed Ali) during a vist to Delhi from Karachi. This was a verbal message, but very strongly worded, to the effect that if indeed it proved true that the Gurdaspur district in the north Punjab area or even a large part of it had been given to East Punjab by the Boundary Commission, this would be regarded as a most serious fact by Jinnah and the Pakistan Government. If it turned out that this was a political and not a judicial decision, then this would amount to so grave a breach of faith as to imperil future friendly relations between Pakistan and the British.

[1] Not printed. For the awards of the Boundary Commissions, see Appendices to No. 488.
[2] See eg Nos. 367, 378, 405, 427 and 441.
[3] cf. No. 326. [4] Reproduced here as Appendix I.
[5] Vol. XI, No. 128. [6] See *ibid.*, No. 175, item 2.
[7] *Ibid.*, No. 158. [8] *Ibid.*, No. 311, para. 2.
[9] *Ibid.*, No. 369, para. 11 and its note 10.
[10] No. 52, Case No. P.C. 30/4/47.
[11] *Ibid.*, Case No. 26/4/47. [12] See No. 164.
[13] See No. 224.

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10. In answering Liaquat, on 11th August,[14] Ismay (while pointing out that even I had not received the award) reminded him that I had had nothing to do with the Boundary Commissions; that I was determined to keep clear of the whole business; and that the Indian leaders themselves had selected the personnel of the Boundary Commissions, drafted their terms of reference, and undertaken to implement their awards.

11. It was on Tuesday, 12th August, that I was finally informed by Radcliffe that his awards would be ready by noon the following day, just too late for me to see before leaving for Karachi. For some time past, I and my staff had been considering the question of when and how these awards should be published.[15] From the purely administrative point of view, there were considerable advantages in immediate publication so that the new boundaries could take effect from 15th August, and the officials of the right Dominion could be in their places to look after the districts which had been allotted to their side before that date. However, it had been obvious all along that, the later we postponed publication, the less would the inevitable odium react upon the British.

12. The matter came to a head at the Meeting which I held with members of my staff on the evening of the 12th.[16] The Bengal award had by then been sent in but I had deliberately refrained from reading it. I was told however that it allotted the Chittagong Hill Tracts to Pakistan. My Reforms Commissioner, V. P. Menon, was present at the meeting and was able to warn me of the disastrous effects that this was likely to have on the Congress leaders. He went so far as to say that Nehru and Patel were both certain to blow up, since they had only recently assured a delegation from the Chittagong Hill Tracts that there was no question of their being allotted to Pakistan. (V.P. Menon admitted that they had no possible authority for making such a statement.)

13. V P. Menon went on to say that if the details of the award were given to them before the 15th he thought they might well refuse to attend the meeting of the Constituent Assembly which I was to address. If given to them later in the day he thought they would refuse to come to the State banquet and the evening party. In any case he said that unless the situation were handled with the utmost care, Congress would blow up. I have never known V. P. Menon to mislead me, and I decided that somehow we must prevent the leaders from knowing the details of the award until after the 15th August; all our work and the hope of good Indo-British relations on the day of the transfer of power would risk being destroyed if we could not do this.

14. On 13th August,[17] I therefore wrote to Jinnah and Nehru telling them that I had not received all the awards by the time I left for Karachi, though I expected them that afternoon; and suggesting that there should be a meeting at Government House on the 16th August to decide upon the timing and

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method of publication, and also the method of implementing the undertaking of the Partition Council to accept the award and to enforce the decisions contained in it.

15. Just as I was signing the letter to Nehru a letter arrived from Patel which is so incredible that I attach a copy of the complete letter as Appendix III.[18] From this it will be seen that the one man I had regarded as a real statesman with both feet firmly on the ground, and a man of honour whose word was his bond, had turned out to be as hysterical as the rest. Here he was suggesting that if indeed the Chittagong Hill Tracts were put into East Bengal the people would be justified in resisting this award by force and that the Central Government would be bound to support them! So much for his undertaking on behalf of India to accept and implement the awards whatever they might be.

16. The crazy part about all this is that Burrows had explained to me that the whole economic life of the people of the Hill Tracts depends upon East Bengal, that there are only one or two indifferent tracks through the jungle into Assam, and that it would be disastrous for the people themselves to be cut off from East Bengal. The population consists of less than a quarter of a million, nearly all tribesmen who, if they have any religion at all, are Buddhists (and so are technically non-Muslims, under the terms of the Boundary Commission). In a sense Chittagong, the only port of East Bengal, also depends upon the Hill Tracts; for if the jungles of the latter were subjected to unrestricted felling, I am told that Chittagong port would silt up. Candidly I was amazed that such a terrific crisis should have blown up over so small a matter. However, I have been long enough in India to realise that major crises are by no means confined to big matters.

17. Once more I had cause to thank the invaluable V. P. Menon for deliverance from the disaster which would have followed on my publishing the awards in good faith without prior reference to the leaders. Having decided not to announce the awards before the 15th August I had no alternative but to send instructions to the Governors[19] that the Governments of the two halves of the split Provinces would have to take charge up to the *notional*[20] boundary on 15th August, pending publication and implementation of the awards or of mutually agreed boundaries.

18. When I was at Karachi, although Liaquat saw the absolute need for him to come to Delhi on the 16th both to discuss the terrible situation in the

[14] No. 428. [15] See No. 389, Item 1 and its note 3.
[16] See No. 436 and its note 2.
[17] See No. 454 and its note 2.
[18] Not printed; see No. 452.
[19] See Nos. 446 and 453. [20] Emphasis in original.

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Punjab at a Defence Council meeting, and to discuss the Boundary Commission Awards, it took me most of that evening and part of the following morning to persuade Jinnah to let Liaquat come.

19. This Joint Defence Council Meeting, to which I had had such difficulty in getting Jinnah to agree, was duly held this morning. I had both the Prime Ministers Nehru and Liaquat, both Home Ministers Patel and Abdur Rahman, Baldev Singh and the Supreme Commander (Auchinleck) present. The latter reported on his visit to the Punjab on the 14th and gave a horrifying account,[21] of which a summary is contained in the following three paragraphs.

20. Rumours as to the decisions of the Boundary Commission in the Punjab had been sufficient to start large scale rioting which would undoubtedly have been a real communal war on a big scale if it had not been for the Joint Punjab Boundary Force (which I had got the Partition Council to set up). In Amritsar and the vicinity, the Sikhs have formed armed bands of considerable strength which are carrying out raids on Muslim majority villages at the rate of three or four each night. These bands are well organised, and often include mounted men who are used as scouts to reconnoitre for a favourable opportunity. There are also Muslim bands organised for the same purpose in the Lahore district, but these are fewer in number, smaller in size, and apparently less well organised. The army has had some successful encounters with some of these bands and has inflicted considerable well deserved casualties where bands have been caught red-handed. One tank alone killed over 60.

21. In Amritsar city, the casualties to Muslims have been alarmingly high due to the emasculation of the City Police Force caused by the new Hindu Superintendent of Police disarming the Muslim policemen. Jenkins quickly rectified this, and removed the official, but the harm has been done.[22] In Lahore, the trouble is due chiefly to the Muslims retaliating for the massacres in Amritsar. The most disturbing feature here is the defection of the police who are predominantly Muslim.[23] Auchinleck reported that there is strong evidence that the police are taking little notice of the orders of their Indian officers (the remaining European officers left on the 14th) and that they have actually joined hands with the rioters in certain instances.[24]

22. But for the presence of the Joint Boundary Force there would by now be a complete holocaust in this city. Local Muslim Leaders are trying to persuade the Muslim soldiers to follow the example of the police, but so far without apparent success. Up to the 13th August the civilian casualties in all the Punjab areas were assumed to be about 1,500 killed and wounded, the total casualties inflicted by the troops not exceeding 200.

23. Auchinleck gave this account so lucidly, so firmly and with such transparent integrity that it made a profound impression on everyone round the

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table and I hope will have gone far to re-establish his position with the Government of India.

24. It had been proposed that the Governors of East and West Punjab should meet Major General Rees (the Commander of the Boundary Force) in Ambala tomorrow; but I was of the firm opinion that they must bring with them their Ministers and that the two Prime Ministers of the two Dominion Governments should also attend. I managed to persuade the meeting (albeit with some difficulty) that this was the only course to take and then and there we sent out the necessary telegrams and made the necessary arrangements for aircraft, etc.

25. It is quite clear and we all agreed, that the soldiers are doing everything that is humanly possible to try and hold the situation; and that although it was decided, among other things, to reinforce the Boundary Force by two more brigades, some armour and some air, the situation is long past mere military action and requires political leadership of a high order. It was for this reason that I felt that nothing less than the Prime Ministers going down themselves would be effective. We have also arranged that the Sikh leaders, Master Tara Singh and Giani Kartar Singh, should be available for this meeting.

26. It is my conviction, which is shared by my staff, that if we had not set up the Joint Defence Council (which was not a very popular move with the parties originally); if we had not set up the Joint Punjab Boundary Force; and if I had not succeeded in calling this meeting today and arranging the meeting tomorrow, matters might well have been allowed to drift until a really dangerous situation had been reached. It is satisfactory to think that these arrangements should have proved of such good service within one day of the transfer of power.

27. When I was in Lahore, I was so struck by the admirable work which Jenkins and his faithful band of officials were performing, that I felt it was only fair to them and indeed to the British reputation in general, that their story should be told, and that the libellous charges made against them by the leaders of both parties should be refuted. I attach as Appendix IV[25] the whole of this report which makes fascinating reading.

28. The new Governor of the N.W.F.P., that old veteran Sir George Cunningham, spent the night of the 11th with Jinnah in Karachi, and the night of the 12th with me in Delhi, and took over from Lockhart on the 13th. He

[21] cf. No. 486. In paras. 19 and 76 of the above report Abdur Rahman should read Fazlur Rahman (see those present at No. 487).
[22] See Nos. 432, para. 1, 437, 459, para. 3 and 460, para. 1.
[23] cf. Nos. 448 and 459, para. 4.
[24] cf. Nos. 459, para. 4 and 460, para. 2.
[25] Not printed; see No. 337, also No. 408.

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entirely shared my view that to dismiss the Khan Sahib Ministry would be unconstitutional and a foolish move. He had persuaded Jinnah (with great difficulty) to let him try his hand with Khan Sahib to obtain a satisfactory settlement without having recourse to such drastic means.[26]

29. In my last week's report[27] (paragraphs 31 to 38) I dealt with the crisis which had blown up concerning a proposed Order covering the vesting of the assets and liabilities of the present Government of India. It will be recalled that this Order had been taken in the Partition Council and no agreement had been reached there.[28] I had then been strongly advised by the officials that an Order of some sort was essential; and the members of the India Cabinet took the same view. The Pakistan members, however, refused to shift from their position and insisted that both assets and liabilities should be vested jointly until the matter had been decided by the Arbitral Tribunal. The point of view of the Indian members was that, if no Order was passed, India's credit would suffer from the uncertainty about the liability for the Public Debt, while it would be open to all contractors to repudiate their contract if it suited them to do so. Much other confusion and much litigation would be caused.

30. In the "Stop Press" to my last report I said that I had decided to send Cooke, my Constitutional Draftsman, and Mohamed Ali, the Cabinet Secretary for Pakistan, who was still in Delhi, to Karachi. There they managed to negotiate a revised formula about the assets, which gave India what it wanted, while to some extent saving Pakistan's face. On liabilities it was not possible to get any agreement, but I managed to arrange for Sardar Vallabhbhai Patel to send me a letter[29] stating that, if an Order was passed that India would be liable for the Public Debt, India would be content to recover Pakistan's proportionate share (which is about 200 crores) from Pakistan over a period of fifty years, beginning three or four years hence.

31. This seemed to me very reasonable, and I telegraphed[30] to the Secretary of State asking him to decide whether or not, in these circumstances, I should issue the Order of which the text had already been sent to him, subject to the formula about the assets being revised on the lines of the agreement between the Provisional Governments. I also sent Cooke to London to explain the situation verbally. I was sure that I ought to be instructed to issue this Order. It will still be open to Pakistan to repudiate it after the 15th August, but they will look rather absurd if they do.

32. During my visit to Karachi I discussed this matter first with Liaquat, and having got him on my side, we both attacked Jinnah. The latter said that he was too busy and tired to consider the matter now, but would give me an answer in a week or ten days' time. I told him that I could not wait, and that I did not require his agreement since this was an Order in my discretion. I told

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him that Cooke had gone home to the Secretary of State, and that I should issue whatever Order the Secretary of State wished. Finally, I got Liaquat to support my contention that, in view of Patel's letter, Pakistan would not suffer from such an Order. Indeed, it would probably be saved from economic war with India. Jinnah ended up by saying "Well if you have put the matter in the Secretary of State's hands, there is nothing more I can do about it". I need hardly say how relieved I was to receive the Secretary of State's telegram[31] agreeing that I could issue this Order, for I am sure that all the good work of the Partition Council over the last two months would have been undone if this Order had not been issued.[32]

33. I mentioned last week in my letter[33] to the Secretary of State that we had a report on the 5th August that Tara Singh, the Sikh leader, was closely involved in terrorist plans for wrecking Pakistan special trains from Delhi to Karachi, for throwing a bomb at Jinnah in the State Drive in Karachi and for attacking certain canal headworks. The report was circumstantial, and has since been confirmed to some extent by the derailment of one Pakistan Special by a mine under the track.

34. Jenkins, Mudie and Trivedi (the present Governor and the two future Governors of the Punjab) considered the matter together, and unanimously decided that arrests should not be made until after the Boundary Commission's award was announced, and the new Governments were responsible for law and order. I accepted this decision as it is quite possible that arrests earlier would have led to even more serious trouble with the Sikhs.[34]

35. Further to paragraph 56 of my last report, the latest figures show that 2,537 officers and 887 other ranks of the British personnel in the Indian Army have volunteered to stay; and that 2,568 officers and 53 other ranks have declined. Although the figures for officers (approximately 49 per cent) are not so satisfactory as those I quoted last week, the figure for other ranks (94 per cent) could hardly be better. There have been the usual newspaper attacks during the last week, but one of these appearing in the Indian News Chronicle and the National Call was particularly virulent. Under headlines "Subtle Move to Retain Britishers in Indian Army" articles in these newspapers talk of "A Device for Retaining Volunteers evolved through the ingenuity of the Commander in Chief."

[26] cf. No. 481 and its Enclosure.
[27] No. 385.
[28] See No. 344 and its note 1; see also No. 355
[29] No. 354; see also No. 369, Item 4.
[30] No. 422; see also Nos. 447 and 462.
[31] No. 469.
[32] See No. 471 for the Order as issued.
[33] No. 384, para. 6. [34] See No. 403.

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36. Some of the Indian Air Force officers nearly succeeded in throwing a spanner into the works on the flag question. They put up a proposal for an Indian Air Force ensign consisting of the R.A.F. ensign with the new dominion flag in place of the Union Jack, and Baldev Singh had actually approved this without reference to me. I had a meeting[35] with Baldev and Elmhirst (the new Air Marshal commanding the R.I.A.F.) and persuaded them to adopt the same system as the Navy that is to fly the dominion flag at the mast-head and the R.A.F. ensign at the peak at all R.I.A.F. station masts. I also got this order put through for Pakistan.

37. At this same interview with Baldev I congratulated him on his moral courage and commonsense in going to Auchinleck and "making it up" with him (see paragraphs 44 to 46 of my last report). Baldev said that it was not until I had spoken to him previously that he had realised how seriously he had fallen foul of Auchinleck, and that he naturally wished to make it up as he had a great regard for him and would have felt most unhappy if he had not been able to regain his confidence.

38. In paragraph 39 of my last report, I expressed the hope that the Partition Council would be able to choose an independent chairman. They have now decided not to do this; the members themselves will take the chair in turn. I have a feeling that the result will be that very few matters not previously agreed by the Steering Committee will fail to find themselves referred to the Arbitral Tribunal!

39. There has been considerable informal discussion among the Congress members of my Cabinet as to how the Cabinet Secretariat should be organised and its relations with Nehru's own personal Secretariat. Nehru is most anxious that he should have a high powered Secretariat under him, with which he may "swamp" the Cabinet Secretariat. This was opposed by his Cabinet Secretariat and by V. P. Menon. When these discussions were going on, H. M. Patel, the Secretary of the Cabinet, brought a letter to Ismay asking him for his views in the matter. Ismay, with his valuable experience, sent a reply to H. M. Patel. This letter was placed informally before Sardar Patel, and one or two other members of the Cabinet. They were completely convinced by the remarks contained in Ismay's letter.

40. The next question was how to convince Nehru. On the suggestion of Sardar Patel, an informal meeting was held on the 14th between Nehru and some officials, including H. M. Patel, Secretary to the Cabinet. Nehru heard patiently the arguments why he should not have a high powered Secretariat. He listened to the arguments carefully and also read Ismay's letter. The position now rests with him, and I very much hope that he will retain and use a proper Cabinet Secretariat.

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41. To turn now to the Indian States. The behaviour of some of the Rulers has really been most extraordinary. I reported in paragraphs 58 to 60 of my last weekly report that I had sent for the Maharaja of Jodhpur on the afternoon that this report was written (8th August). He flew up immediately and arrived late the same night. I saw him the following morning,[36] and he came clean that he had in fact been flirting with Jinnah, and that the details of his negotiations were substantially as given in paragraph 58.

42. The real significance of this move was that the defection of Jodhpur would open up opportunities for contiguous States such as Jaipur, Udaipur, etc., to accede to Pakistan through the contiguity now provided by Jodhpur. (In fact I understand that both these States were invited to join with Jodhpur and both refused.) The States Department really got the wind up about this, and Patel was prepared to go to almost any lengths to prevent it happening. He thus undertook that Jodhpur should continue to allow his Rajputs to carry and import arms without restrictions; to provide food for their famine stricken districts, if necessary even at the expense of some of the other areas in India; and finally that he would give the highest priority for the building of a railway from Jodhpur to Cutch to open up a port for them, and to allow Cutch to enter the customs union with India.[37] This satisfied the Maharaja, who realised he could not really expect to take an all-Hindu State into Pakistan.

43. The pressure has been so great in Delhi this week that I have sometimes had two, and once, three, different interviews going on in different rooms. I left V. P. Menon to get Jodhpur to sign the Instrument of Accession in my study, whilst I was dealing with the Hyderabad delegation in my wife's study next door. During my absence, young Jodhpur pulled out a revolver and told Menon that he would shoot him down like a dog if he betrayed the starving people of Jodhpur; but he signed it.[38]

44. Baroda has also been giving difficulty. The Gaekwar had told me he would like to have the honour of being the first State to accede to the Dominion, and in our publicity arrangements Baroda was accordingly placed first. But meanwhile he had left Delhi without signing the Instrument, and Jodhpur who met him in Bombay told me that he was proposing to impose new conditions before he would accede. I accordingly sent for the Gaekwar who appeared on the evening of the 12th, with the Instrument signed and dated the 10th. He explained to me that he had been waiting for the astrologers to appoint an auspicious day for the signature.

[35] Not traced.
[36] No record of an interview has been traced but cf. No. 426.
[37] cf. H. V. Hodson, *The Great Divide: Britain–India–Pakistan*, London 1969, pp. 379–80.
[38] cf. *ibid.*, note 1 and V. P. Menon, *The Story of the Integration of the Indian States*. Orient Longmans, 3rd edn., 1961, p. 113.

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45. I discovered later that he had sacked his admirable Dewan, Sir B. L. Mitter,[39] who had personally negotiated the Instrument on behalf of Baroda, and taken the advice of a Bombay lawyer who had helped him to marry his second wife, Sita Devi, by getting her to become a Muslim, calling upon her previous husband to embrace her new faith, and, when he refused, to divorce him; subsequently she was reconverted to Hinduism and the Gaekwar married her. (I am probably giving this episode more space than it is worth, but it does throw an interesting light on the way some of these Rulers make up their minds, even on the most important matters of public policy).

46. This lawyer had advised the Gaekwar to put in a whole list of reservations which were of course inacceptable to Patel, who in fact got so angry that he refused either to see Baroda or to accept his accession. This crisis broke on the morning of the 13th, just before I left for Karachi. I sent V. P. Menon off to see the Gaekwar and bring him to me if necessary; but, as usual, he handled the situation admirably and the Gaekwar withdrew his reservations, and asked if he could stay to take part in the ceremonies in Delhi on the 15th.

47. In paragraphs 7 and 8 of my last report I referred to Bhopal's threat to abdicate. I saw him again and urged him not to take such cowardly action at this moment.[40] He has now written to say that on his return to Bhopal some 50,000 of his subjects met him at the airfield and would not release him until he had promised not to abdicate. He has therefore informed me that he will not abdicate, at any rate at the present.[41]

48. He asked me if he could have a ten-day extension to sign the Instrument of Accession under the same terms as obtained up to the 15th August.[42] Patel said he could make no exception for any State; but he allowed me to make a private arrangement with Bhopal by which he signed the Instrument of Accession and Standstill Agreement and left them with me in a sealed envelope to be retained by me until the 25th August, and then handed to the States Department, unless he sent me other instructions before this date.[43]

49. Indore looks as though he has almost missed the bus. He sent telegrams to most of his brother Rulers urging them not to sign the Instrument of Accession until the last possible moment, as he thought by so doing they could improve the terms. When asked in what way he wanted them improved he was unable to suggest any improvements! Several of the Rulers, such as the Jam Saheb, Jodhpur, Bharatpur, etc., sent me copies of Indore's telegram which has infuriated Patel. Meanwhile Indore failed to deliver his signed Instrument of Accession before the 15th, but sent it to me on the 15th dated the 14th.[44] Patel was in the mood not to accept this; but he said he was going to see the Maharaja to discuss the matter with him personally.[45] He is contemplating

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making a condition that his extremely unsatisfactory British Dewan should be sacked, and this I feel would be in the best interests of everybody.

50. On the eventing of the 14th my old friend the Maharaj Rana of Dholpur came to see me to inform me that he had finally decided to sign the Instrument of Accession, as he thought that this was the best solution for an intolerable situation. With tears in his eyes he bade me farewell and said "This breaks an alliance between my ancestors and your King's ancestor's which has existed since 1765". I pointed out that the King was still the King of the Dominion of India, and that the link was thus not broken but merely changed. However, he would not be consoled and said he proposed to leave Delhi that night while I was still Viceroy and Crown Representative.

51. There are thus no States outstanding (taking into account the extension to the two Muslim Rulers, of Hyderabad[46] and Bhopal) beyond Kashmir, where the Maharaja has at last decided to sack his Dewan, Kak.[47] He now talks of holding a referendum to decide whether to join Pakistan or India, provided that the Boundary Commission give him land communications between Kashmir and India. It appears, therefore, as if this great problem of the States has been satisfactorily solved within the last three weeks of British rule.

52. I would have liked to have done more whilst Crown Representative to encourage the Rulers to introduce constitutional reforms in their States; but time did not permit except in the case of Rewa. The previous Ruler of this State had been deposed for engineering a murder in Bombay. His son, who is now on the gaddi, told me that he feared his father intended to force a return on the 15th August and seize power. I advised the young Maharaja to announce far reaching reforms as the best means of ensuring against his father's attempt to seize power. He agreed to do this and my Press Attaché laid on the necessary publicity for these constitutional reforms. I hope they will form a useful precedent for other States, besides acting as a deterrent to the old Maharaja.

53. My wife and I flew down on the afternoon of the 13th to Karachi to bid godspeed and farewell to Pakistan. The route from the airfield was fairly

[39] It appears from Sir T. Shone's letter of 2 September 1947 to Sir P. Patrick, para. 5, that Sir B. L. Mitter had not in fact been dismissed. Apparently, however the Gaekwar had decided not to renew his appointment as Dewan which was due to expire 'in a few weeks time'. It was expected that Mitter would then be appointed Political Adviser in the States Department. L/P &S/13/1848: f 73.

[40] cf. No. 482 and its note 2.

[41] See *ibid.*, and its note 3.

[42] See No. 412.

[43] See Nos. 435 and 482.

[44] R/3/1/139: f 238.

[45] It was not until 1 September that the Maharaja of Indore sent a telegram to Lord Mountbatten explaining that 'things have been ironed out to the entire mutual satisfaction of Sardar Patel and myself. I have therefore acceded to the Dominion of India under the same terms as have been offered to other States.' R/3/1/140: ff 71–2.

[46] See No. 440. [47] See No. 456.

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thickly lined by cheering crowds and Jinnah's new Military Secretary (Colonel Birnie) who was in the car with us, stated that the crowd was noticeably larger than that which had lined the route for Jinnah's arrival. I found this hard to believe, but it was confirmed from one or two other sources. Birnie told me that a plot had been unearthed to throw a bomb at Jinnah in the State procession on the following day (see also paragraph 33), and that discussions had been going on as to whether to cancel the drive or alter the route, but that Jinnah had expressed the view that if I was prepared to go through with the drive, then so was he. So it was agreed to leave everything as it was.

54. That evening I presided over a meeting of the Pakistan Cabinet at which the final Orders in Council amending the Government of India Act 1935 for Pakistan were passed. Not, however, without a final disagreement, for the Pakistan Cabinet wished me to include an Order by which the Governor-General, on the advice of the central Ministry, could order a Provincial Governor to dismiss his Ministry and could govern the Province directly by issuing orders to the Governor. This was so like the much criticised Section 93 that I felt it impossible that the British transfer of power should be associated with the perpetuation of this system. However they were so insistent that I could only get out of it without a real row by saying that I would refer the question to the Secretary of State, fully knowing that he would uphold my view.[48]

55. A State banquet of 60 was held on the night of the 13th at which it had been agreed that there should be two toasts but no speeches, and this was confirmed at 7 p.m. Judge then of my horror when Jinnah stood up and pulled half a dozen closely typed sheets out of his pocket, and proceeded to deliver a speech, finally proposing the health of the King. I had to make an impromptu speech proposing the health of Pakistan. This banquet was followed by a reception which was attended by some 1500 of the leading citizens of Pakistan, which included some very queer looking "jungly" men.

56. I sat between Miss Jinnah and Begum Liaquat Ali Khan. They both pulled my leg about the midnight ceremonies in Delhi saying that it was astounding that a responsible Government could be guided by astrologers in such an important matter. I refrained from retorting that the whole Karachi programme had had to change because Jinnah had forgotten that it was Ramazan and had had to change the lunch party he had himself suggested to a dinner party.

57. The following day I addressed the Pakistan Constituent Assembly and enclose a copy of my speech as Appendix V.[49] Jinnah had wanted to take the principal seat himself as President of the Constituent Assembly, but I refused to give up my rights as Viceroy, and he eventually gave way.

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58. The State procession took place in open cars, with Jinnah and myself in the leading car and my wife and Miss Jinnah in the next car. The route was fairly thickly lined with enthusiastic crowds, which were kept back by troops and police lining the route. As we turned in at the gates of Government House, Jinnah put his hand on my knee and said with deep emotion, "Thank God I have brought you back alive"! I retorted by pointing out how much more serious it would have been if he had been bumped off.

59. On our drive out to the airfield from the town (a different route to the State procession) the route was lined with very enthusiastic crowds, at least twice as great as when we arrived the day before. The welcome we have had from the people of Pakistan has been most surprising. Miss Jinnah literally had tears in her eyes when she bade us farewell and to my wife's surprise kissed her on both cheeks. Even the austere Jinnah himself showed some emotion on bidding us farewell.

60. The whole Karachi programme was extremely well run, thanks largely to my own staff who found the British Military Secretary and Comptroller for him. I gave him my best Indian A.D.C. and the Adjutant of my Bodyguard (both Muslims). The Muslim members of the Viceregal clerical staff have also been transferred to Karachi, and so it is fairly certain that this Government House will be run along the correct traditional lines.

61. We got back from Karachi on the afternoon of the 14th. At twenty minutes past midnight on that night the President of the Constituent Assembly, Rajendra Prasad, and the new Prime Minister, Nehru, arrived to tell me that at the midnight session of the Constituent Assembly they had taken over power, and had endorsed the request of the leaders that I should become their first Governor General. The press had been allowed into my study to witness this historic event and after "Rajen Babu" as Rajendra Prasad is called by his friends, had delivered his message, Nehru said in ceremonious tones "May I submit to you the portfolios of the new Cabinet". He then handed me a carefully addressed envelope, (on opening it after his departure I found it to be empty!)

62. The 15th August has certainly turned out to be the most remarkable and inspiring day of my life. We started at 8.30 with the Swearing-In ceremony in the Durbar Hall in front of an official audience of some 500, including a number of ruling Princes. The official guests, including Ambassadors, Princes and the Cabinet, then drove in procession from Government House (ex-Viceroy's House) to the Council Chamber.

[48] See Nos. 464 and 479.
[49] Reproduced here as Appendix II.

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63. Never have such crowds been seen within the memory of anyone I have spoken to. Not only did they line every rooftop and vantage point, but they pressed round so thick as to become finally quite unmanageable. At the Council Chamber it had fortunately been arranged that there should be two Guards of Honour (R.I.N. and R.I.A.F.) of 100 men each. These 200 men joined with the police were just able to keep the crowds back sufficiently to let us get out of the State coach without being physically lifted out of it by the crowd.

64. The ceremony in the Council Chamber was extremely dignified and my speech was well received. It is attached as Appendix II.[50] Fortunately two more Guards of Honour of the Indian Army were due for the departure ceremony, and I gave orders that the four Guards of Honour were to pile arms inside the Council Chamber, and then endeavour to keep the crowd back. As we were about to depart they said that it was doubtful whether the 400 men of the Guards of Honour could keep the way clear to the coach, so Nehru went on to the roof and waved to the crowd to go back; the door was then opened and surrounded by our staff we fought our way through to the coach.

65. It took us half an hour to go the short distance back, for we had to go slowly through the crowds. Once we were held up for some five minutes by the pressure of the crowds. Apart from the usual cries of "Jai Hind" and "Mahatma Gandhi ki jai" and "Pandit Nehru ki jai", a surprising number shouted out "Mountbatten ki jai", and "Lady Mountbatten ki jai" and more than once "Pandit Mountbatten ki jai".

66. After lunch we decided to pay an impromptu visit to the great children's fete being held in the Roshnara Park. This was an unqualified success. Thousands of children gathering all round us cheering and yelling and trying to shake hands. I felt that it would be a good idea to get out of uniform and into informal surroundings for at least one of the Independence Day celebrations.

67. At 6 p.m. the great event of the day was to take place—the salutation of the new Dominion flag. This programme had originally included a ceremonial lowering of the Union Jack; but when I discussed this with Nehru he entirely agreed that this was a day they wanted everybody to be happy, and if the lowering of the Union Jack in any way offended British susceptibilities, he would certainly see that it did not take place, the more so as the Union Jack would still be flown on a dozen days a year in the Dominion.

68. A parade had been arranged of the units of the three Services, pages of orders had been issued, rehearsals had been going on for days, and seats on raised platforms had been provided. The crowds however were far beyond the control of the police. Some Indian officials estimate that there were 600,000

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people there. But personally I doubt if there were more than a quarter of a million. At all events they thronged the processional route and if possible gave my wife and myself a greater reception than in the morning.

69. But for the admirable Bodyguard with their wonderfully trained and patient horses, we should never have been able to get on to the ground. But at a slow walk they managed to breast a way through the crowd up to the appointed position opposite the Grand Stand and the Parade. There was, however, nothing to be seen of the Grand Stand, and although a row of bright coloured pugrees in the crowd indicated where the troops had been engulfed there was no other indication of a military parade.

70. Nehru fought his way to the coach and climbed in to tell us that our daughter Pamela was safe. George Abell (my late Private Secretary) described how Nehru came to their rescue when they were overwhelmed by the crowd, fighting like a maniac, striking people right and left and eventually taking the topee off a man who had annoyed him particularly and smashing it over his head.

71. Major General Rajendra Singh, the Delhi Area Commander, Nehru and I had a hurried consultation and we decided that the only thing to do was to hoist the flag and fire the salute and give up all other idea of the programme. This was done amid scenes of the most fantastic rejoicing, and as the flag broke a brilliant rainbow appeared in the sky which was taken by the whole crowd as a good omen. (I had never noticed how closely a rainbow could resemble the new Dominion flag of saffron, white and green).

72. Meanwhile danger of a large scale accident was becoming so great that we decided that the only thing to do was to try and move the coach on through the crowd and draw the crowd with us. For this reason I invited Nehru to stay in the coach which he did, sitting like a schoolboy on the front hood above the seats. Meanwhile refugees who had fainted or had been almost crushed under the wheels were pulled on board and we ended with four Indian ladies with their children, the Polish wife of a British officer and an Indian press man who crawled up behind. The Bodyguard gradually opened a way through the crowd and then the whole throng began to follow us. Hundreds of thousands of people all running togther is an impressive sight; several thousands ran the whole three miles back alongside the coach and behind it, being stopped finally by the police only at the gates of Government House.

73. No British or Indian whom I have since met has ever remembered crowd scenes even approaching those that were witnessed yesterday; but the significant feature is that numerous Indian observers all agreed that the reception

[50] Reproduced here as Appendix I.

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which was accorded to us was no whit less enthusiastic than that accorded to their own leaders. This sounds rather incredible but it appears to be a fact and was generously referred to by Nehru in his speech last night as the best omen for the future good relations between our two countries.

74. There are two other significant facts which I feel I should report. The first is that the President of the Constituent Assembly, Dr. Rajendra Prasad, invited me on behalf of the Assembly to send back a "loyal" message [51] of thanks to His Majesty saying that India and Britain even if their precise future relations were different would always be the greatest of friends. The other is that at a State banquet of a hundred that night Nehru made a speech in the most friendly terms possible prior to proposing the toast of the King. I replied and proposed the Dominion of India.

75. Close on 3,000 people came to our evening party at Government House and stayed till after two o'clock in the morning. At this dinner and subsequent party the Ambassadors, the new Cabinet, the senior British and Indian officers of the Services, and Ruling Princes were freely mixed. I have never experienced such a day in my life.

76. My meeting[52] with the two Prime Ministers, Patel, Baldev, Abdur Rahman, Mohamed Ali, and V. P. Menon referred to in paragraphs 19 to 23 of this report, continued at 5 p.m. after they had had three hours to read the Boundary Commissions awards. If it had not been so serious and rather tragic their mutual indignation would have been amusing. Neither the Congress, the League, nor the Sikhs were in any way satisfied or grateful for any advantages they may have got out of the awards; they could only think of the disadvantages and complain bitterly. It was only after they had been complaining loudly for some time that they appeared to realise that there must be some advantages to them if the other parties were equally dissatisfied; and so after some two hours very delicate handling, we arrived at the conclusion that the awards must be announced and implemented loyally forthwith.

77. The only sad part is that Nehru and Patel have apparently committed themselves up to the hilt in promising the people of the Chittagong Hill Tracts that they would never agree to their being put into Pakistan. I have suggested that there should be inter-governmental negotiations on this point, and on the transfer of populations in the Punjab at a later date. But I am afraid Nehru and Patel feel very sore. Liaquat is spending the night with me, and after dinner I urged him to be reasonable and say to Nehru tomorrow "I appreciate your difficulty about your promises to the people of the Chittagong Hill Tracts. Leave me the River Karnaphuli and a reasonable area on each side and you can have the rest in return for Jalpaiguri and Darjeeling or some other material offer". He promised he would speak on these lines.

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78. It is quite clear to me that if we had not brought the leaders together to hear each others' indignation and thus regain their sense of proportion, we might have had as serious a blow up as V. P. Menon feared.

79. One further interesting point is that the respective Governments are so anxious to assume complete responsibility for their own areas that they are contemplating tomorrow working out a scheme to take over military responsibility for their own areas once the Boundary awards have been implemented. The two Prime Ministers have also invited each other to visit Lahore and Amritsar respectively together. Altogether the situation, bad as it is, is being grappled with in a realistic manner by the new Governments.

80. We are leaving at 5 a.m. tomorrow to fly to Bombay with Auchinleck for twenty-four hours to say goodbye to the first contingent of British troops to leave India. Nehru has voluntarily sent them a message which to men of goodwill should prove a real encouragement. A copy of this is attached as Appendix VI.[53]

81. This is the last of my weekly reports to the King, the Prime Minister and the India–Burma Cabinet Committee. I shall however continue to send periodical reports direct to His Majesty. For my last "tail piece" I have selected an extract from a letter which my wife has received from Lady Colville, referring to the programme of our visit to Bombay tomorrow.

> "We are also getting in touch with the people whom you would like to meet, and are asking them to Government House (excepting Mrs. Sukthankar, who it is said may be in prison, but we are finding out about her)"!

M. OF B.

Postscript telephoned from Bombay on the evening of 17 August

The departure of British troops went off extremely well amidst scenes of great enthusiasm.

Our reception in Bombay was far more remarkable than in Delhi. The local police estimated the crowd as the greatest in the history of the city. Several hundreds of thousands lined the many miles of route, often breaking through the cordon and stopping our open car through sheer weight of numbers.

[51] See below, note 55.

[52] See No. 487.

[53] See Enclosure to No. 455. It may be noted that owing to a shortage of shipping it proved impossible to complete the withdrawal of British troops by the end of 1947 as originally contemplated (see Nos. 50, para. 6 and 135). In September 1947 the Joint Defence Council approved a revised programme providing for the withdrawal of British troops by April 1948. L/WS/1/1092. In the event, however, the last units of British troops left Karachi and Bombay on 27 February and 1 March 1948 respectively.

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The demonstration was all the more remarkable since the drives from Government House to the Docks, and later to the Prime Minister's party were not intended as events in themselves.

The crowd definitely shouted out, "England Zindabad" and "Jai England".

Appendix I to No. 489

L/PO/6/123: ff 266–72

TEXT OF THE ADDRESS TO BE DELIVERED BY HIS EXCELLENCY LORD MOUNTBATTEN TO THE INDIA CONSTITUENT ASSEMBLY, ON 15TH AUGUST, 1947

Mr. President and members of the Constituent Assembly, I have a message from His Majesty the King to deliver to you today. This is His Majesty's message[54]:—

"On this historic day when India takes her place as a free and independent Dominion in the British Commonwealth of Nations, I send you all my greetings and heartfelt wishes.

Freedom loving people everywhere will wish to share in your celebrations, for with this transfer of power by consent comes the fulfilment of a great democratic ideal to which the British and Indian peoples alike are firmly dedicated. It is inspiring to think that all this has been achieved by means of peaceful change.

Heavy responsibilities lie ahead of you, but when I consider the statesmanship you have already shown and the great sacrifices you have already made, I am confident that you will be worthy of your destiny.

I pray that the blessings of the Almighty may rest upon you and that your leaders may continue to be guided with wisdom in the tasks before them. May the blessings of friendship, tolerance and peace inspire you in your relations with the nations of the world. Be assured always of my sympathy in all your efforts to promote the prosperity of your people and the general welfare of mankind".[55]

It is barely six months ago that Mr. Attlee invited me to accept the appointment of last Viceroy. He made it clear that this would be no easy task—since His Majesty's Government in the United Kingdom had decided to transfer power to Indian hands by June 1948. At that time it seemed to many that His Majesty's Government had set a date far too early. How could this tremendous operation be completed in 15 months?

However, I had not been more than a week in India before I realised that this date of June 1948 for the transfer of power was too late rather than too early; communal tension and rioting had assumed proportions of which I had had no conception when I left England. It seemed to me that a decision had to be

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taken at the earliest possible moment unless there was to be risk of a general conflagration throughout the whole sub-continent.

I entered into discussions with the leaders of all the parties at once—and the result was the plan of June 3rd.[56] Its acceptance has been hailed as an example of fine statesmanship throughout the world. The plan was evolved at every stage by a process of open diplomacy with the leaders. The result is chiefly attributable to them.

I believe that this system of open diplomacy was the only one suited to the situation in which the problems were so complex and the tension so high. I would here pay tribute to the wisdom, tolerance and friendly help of the leaders which have enabled the transfer of power to take place ten and a half months earlier than originally intended.

At the very meeting[57] at which the plan of June 3rd was accepted, the Leaders agreed to discuss a paper[58] which I had laid before them on the administrative consequences of partition; and then and there we set up the machinery which was to carry out one of the greatest administrative operations in history—the partition of a sub-continent of 400 million inhabitants and the transfer of power to two independent governments in less than two and a half months. My reason for hastening these processes was that, once the principle of division had been accepted, it was in the interest of all parties that it should be carried out with the utmost speed. We set a pace faster in fact than many at the time thought possible. To the Ministers and officials who have laboured day and night to produce this astonishing result, the greatest credit is due.

I know well that the rejoicing which the advent of freedom brings is tempered in your hearts by the sadness that it could not come to a united India; and that the pain of division has shorn today's events of some of its joy. In supporting your leaders in the difficult decision which they had to take, you have displayed as much magnanimity and realism as have those patriotic statesmen themselves.

These statesmen have placed me in their debt for ever by their sympathetic understanding of my position. They did not, for example, press their original request that I should be the Chairman of the Arbitral Tribunal. Again they

[54] See No. 261, note 4.

[55] In tel. 5-EC1 of 16 August Lord Mountbatten explained that at the opening of the Constituent Assembly on 15 August he had been asked by the President of the Assembly to convey to the King the following message:

"*Begins.* May I request you to convey to His Majesty a message of loyal greetings from this House and of thanks for the gracious message which he has been good enough to send us. That message will serve as an inspiration in the great work on which we launch today and I have no doubt that we anticipate with great pleasure association with Great Britain of a different kind. I hope and trust that the interest and sympathy and the kindness which have always inspired His Majesty will continue in favour of India and we shall be worthy of them." *Ends.* L/P &J/10/136: f 155.

[56] Vol. XI, No. 45.

[57] *Ibid.*, No. 39. [58] *Ibid.*, No. 28.

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agreed from the outset to release me from any responsibility whatsoever for the partition of the Punjab and Bengal. It was they who selected the personnel of the Boundary Commissions including the Chairman; it was they who drew up the terms of reference; it is they who shoulder the responsibility for implementing the award. You will appreciate that had they not done this, I would have been placed in an impossible position.

Let me now pass to the Indian States. The plan of June 3rd dealt almost exclusively with the problem of the transfer of power in British India; and the only reference to the States was a paragraph[59] which recognised that on the transfer of power, all the Indian States—565 of them—would become independent. Here then was another gigantic problem and there was apprehension on all sides. But after the formation of the States Department it was possible for me, as Crown Representative, to tackle this great question. Thanks to that far-sighted statesman, Sardar Vallabhbhai Patel, Member in charge of the States Department, a scheme[60] was produced which appeared to me to be equally in the interests of the States as of the Dominion of India. The overwhelming majority of States are geographically linked with India, and therefore this Dominion had by far the bigger stake in the solution of this problem. It is a great triumph for the realism and sense of responsibility of the Rulers and the Governments of the States, as well as for the Government of India, that it was possible to produce an Instrument of Accession which was equally acceptable to both sides; and one, moreover, so simple and so straightforward that within less than three weeks practically all the States concerned had signed the Instrument of Accession and the Standstill Agreement. There is thus established a unified political structure covering over 300 million people and the major part of this great sub-continent.

The only State of the first importance that has not yet acceded is the premier State, Hyderabad.

Hyderabad occupies a unique position in view of its size, population and resources, and it has its special problems. The Nizam, while he does not propose to accede to the Dominion of Pakistan, has not up to the present felt able to accede to the Dominion of India. His Exalted Highness has, however, assured me of his wish to co-operate in the three essential subjects of External Affairs, Defence and Communications with that Dominion whose territories surround his State. With the assent of the Government, negotiations will be continued with the Nizam and I am hopeful that we shall reach a solution satisfactory to all.[61]

From today I am your constitutional Governor-General and I would ask you to regard me as one of yourselves, devoted wholly to the furtherance of India's interests. I am honoured that you have endorsed the invitation originally made to me by your leaders to remain as your Governor-General. The only consideration I had in mind in accepting was that I might continue to be of

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some help to you in the difficult days which lie immediately ahead. When discussing the Draft of the India Independence Act your leaders selected the 31st March 1948 as the end of what may be called the interim period. I propose to ask to be released in April. It is not that I fail to appreciate the honour of being invited to stay on in your service, but I feel that as soon as possible India should be at liberty, if you so wish, to have one of her own people as her Governor-General. Until then my wife and I will consider it a privilege to continue to work with and amongst you. No words can express our gratitude for the understanding and co-operation as well as the true sympathy and generosity of spirit which have been shown to us at all times.

I am glad to announce that "my" Government (as I am now constitutionally entitled and most proud to call them) have decided to mark this historic occasion by a generous programme of amnesty. The categories are as wide as could be consistent with the over-riding consideration of public morality and safety, and special account has been taken of political motives. This policy will also govern the release of military prisoners undergoing sentences as a result of trial by courts-martial.

The tasks before you are heavy. The war ended two years ago. In fact it was on this very day two years ago that I was with that great friend of India, Mr. Attlee in his Cabinet Room when the news came through that Japan had surrendered. That was a moment for thankfulness and rejoicing, for it marked the end of six bitter years of destruction and slaughter. But in India we have achieved something greater—what has been well described as "A treaty of Peace without a War". Nevertheless, the ravages of the war are still apparent all over the world. India, which played such a valiant part, as I can personally testify from my experience in South-East Asia, has also had to pay her price in the dislocation of her economy and the casualties to her gallant fighting men with whom I was so proud to be associated. Preoccupations with the political problem retarded recovery. It is for you to ensure the happiness and ever-increasing prosperity of the people, to provide against future scarcities of food, cloth and essential commodities and to build up a balanced economy. The solution of these problems requires immediate and whole-hearted effort and far-sighted planning, but I feel confident that with your resources in men, material and leadership you will prove equal to the task.

What is happening in India is of far more than purely national interest The emergence of a stable and prosperous state will be a factor of the greatest international importance for the peace of the world. Its social and economic development, as well as its strategic situation and its wealth of resources, invest with great significance the events that take place here. It is for this reason that

[59] *Ibid.*, No. 45, para. 18.
[60] cf. No. 234.
[61] See correspondence ending with No. 474.

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not only Great Britain and the sister Dominions but all the great nations of the world will watch with sympathetic expectancy the fortunes of this country and will wish it all prosperity and success.

At this historic moment, let us not forget all that India owes to Mahatma Gandhi—the architect of her freedom through non-violence. We miss his presence here today, and would have him know how much he is in our thoughts.

Mr. President, I would like you and our other colleagues of the late Interim Government to know how deeply I have appreciated your unfailing support and co-operation.

In your first Prime Minister, Pandit Jawaharlal Nehru, you have a world-renowned leader of courage and vision. His trust and friendship have helped me beyond measure in my task. Under his able guidance, assisted by the colleagues whom he has selected, and with the loyal co-operation of the people, India will now attain a position of strength and influence and take her rightful place in the comity of nations.

Appendix II to No. 489

L/PO/6/123: ff 292–96

TEXT OF THE ADDRESS TO BE DELIVERED BY HIS EXCELLENCY LORD MOUNTBATTEN TO THE PAKISTAN CONSTITUENT ASSEMBLY, ON 14TH AUGUST, 1947

Mr. President and Members of the Constituent Assembly of Pakistan:

I have a message from His Majesty the King to deliver to you today. This is His Majesty's message:[62] "I send you my greetings and warmest wishes on this great occasion when the new Dominion of Pakistan is about to take its place in the British Commonwealth of Nations. In thus achieving your independence by agreement, you have set an example to all freedom-loving people throughout the world.

I know that I can speak for all sections of opinion within the British Commonwealth when I say that their support will not fail you in upholding democratic principles. I am confident that the statesmanship and the spirit of co-operation which have led to the historic developments you are now celebrating will be the best guarantee of your future happiness and prosperity. Great responsibilities lie ahead of you and your leaders. May the blessings of the Almighty sustain you in all your future tasks. Be assured always of my sympathy and support as I watch your continuing efforts to advance the cause of humanity."

I am speaking to you today as your Viceroy. Tomorrow the Government of the new Dominion of Pakistan will rest in your hands and I shall be the Constitutional head of your neighbour the Dominion of India. The leaders of

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both Governments, however, have invited me to be the independent Chairman of the Joint Defence Council. This is an honour which I shall strive to merit.

Tomorrow two new sovereign states will take their place in the Commonwealth: not young nations, but the heirs of old and proud civilisations: fully independent States, whose leaders are statesmen, already known and respected throughout the world, whose poets and philosophers, scientists, and warriors have made their imperishable contribution to the service of mankind: not immature Governments or weak, but fit to carry their great share of responsibility for the peace and progress of the world.

The birth of Pakistan is an event in history. We, who are part of history, and are helping to make it, are not well-placed, even if we wished, to moralise on the event, to look back and survey the sequence of the past that led to it. History seems sometimes to move with the infinite slowness of a glacier, and sometimes to rush forward in a torrent. Just now, in this part of the world our united efforts have melted the ice and moved some impediments in the stream, and we are carried onwards in the full flood. There is no time to look back. There is time only to look forward.

I wish to pay tribute to the great men, your leaders, who helped to arrive at a peaceful solution for the transfer of power.

Here I would like to express my tribute to Mr. Jinnah. Our close personal contact, and the mutual trust and understanding that have grown out of it, are, I feel, the best of omens for future good relations. He has my sincere good wishes as your new Governor-General.

Moral courage is the truest attribute of greatness, and the men who have allowed the paramount need for agreement and a peaceful solution to take precedence over the hopes and claims they so strongly held and keenly felt, have shown moral courage in a high degree. I wish to acknowledge, too, the help of others; of the men who advised and assisted the process of negotiation; of the men who kept the machinery of administration running under great difficulties, of the men who have worked day and night to solve the innumerable problems of partition. All this has been achieved with toil and sweat. I wish I could say also without tears and blood, but terrible crimes have been committed. It is justifiable to reflect, however, that far more terrible things might have happened if the majority had not proved worthy of the high endeavour of their leaders, or had not listened to that great appeal[63] which Mr. Jinnah and Mahatma Gandhi together made, and which the respective future Governments reiterated in a statement[64] made by the Partition Council.

May I remind you of the terms of that Statement? The two Governments declared that "it is their intention to safeguard the legitimate interests of all citizens, irrespective of religion, caste or sex. In the exercise of their normal

[62] See No. 261, note 4.
[63] Vol. X, No. 152. [64] No. 224.

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civic rights all citizens will be regarded as equal and both Governments will assure to all people within their territories the exercise of liberties such as freedom of speech, the right to form associations, the right to worship in their own way and the protection of their language and culture.

Both Governments further undertake that there shall be no discrimination against those who before August 15th have been political opponents."

The honouring of these words will mean nothing less than a charter of liberty for a fifth of the human race.

Some days ago I went to Lahore. From the reports I had received I expected to witness a scene of unparalleled devastation. Those of you who have not visited Lahore will be relieved to hear that the destruction is far less than I expected.[65] It amounts to not more than eighteen houses per thousand of the whole municipal area. I do not say this in extenuation of the madness which caused even so much wanton damage. Rather I wish to pay my tribute, and ask you to do the same, to those who have saved Lahore from complete ruin: to the police and fire services, to the soldiers and the civil administration, and to all public spirited citizens, who resisted or prevented the powers of destruction; also to the many who helped to tend and heal the tragic victims wherever these outrages have occurred. The ideal of public service which inspired these men and women, the spirit of co-operation and compromise which inspired your leaders, these are political and civic virtues that make a nation great, and preserve it in greatness. I pray that you may practise them always.

Now the time has come to bid you farewell—on behalf of His Majesty's Government; on behalf of my country, and on behalf of myself, also on behalf of my wife, whose thoughts and prayers will be so much with the women in Pakistan.

This is a parting between friends, who have learned to honour and respect one another, even in disagreement. It is not an absolute parting, I rejoice to think, not an end of comradeship. Many of my countrymen for generations have been born in this country, many lived their lives here; and many have died here. Some will remain for trade and commerce; and others in Government service and in the armed forces who count it an honour that they have been invited to serve you.

During the centuries that British and Indians have known one another, the British mode of life, customs, speech and thought have been profoundly influenced by those of India—more profoundly than has often been realised. May I remind you that, at the time when the East India Company received its Charter, nearly four centuries ago, your great Emperor Akbar was on the throne, whose reign was marked by perhaps as great a degree of political and religious tolerance, as has been known before or since. It was an example by which, I honestly believe, generations of our public men and administrators

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have been influenced. Akbar's tradition has not always been consistently followed, by British or Indians, but I pray, for the world's sake, that we will hold fast, in the years to come, to the principles that this great ruler taught us.

May Pakistan prosper always. May her citizens be blessed with health and happiness; may learning and the arts of peace flourish in her boundaries, and may she continue in friendship with her neighbours and with all the nations of the world.

[65] cf. No. 228, para. 30.

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AKALI *Lit.*: Worshipper of the eternal one. Particularly strict devotee of the Sikh faith. In modern usage, a member of the extreme Sikh nationalist party.
AKALI SENA Akali army.
ANZAC Australia and New Zealand Army Corps.
BEGUM A feminine Muslim title, originally of princesses and noblewomen.
CRORE 100 lakhs or 10 million.
DAL Organisation, association.
DARBAR (DURBAR) Court; ceremonial assembly; government of a Princely State.
DIWAN (DEWAN) Minister; in Princely States Chief Minister; also Council of State; Meeting.
FIRMAN A decree, mandate, command.
FÜHRER German term for leader, used of Hitler.
GADDI *Lit.*: cushion; hence throne.
GHAZI PAKHTUN A Pathan fighter, hero.
GIANI (GYANI) Title of respect accorded to one learned in the Sikh religion and scriptures.
GURDWARA Sikh temple.
GURKHA Ruling race of Nepal.
GURU Spiritual adviser, religious preceptor; for Sikh Gurus *see* SIKH.
HARTAL Shopkeepers' strike, strike.
ID A Muslim religious festival or holy observance.
INDIAN NATIONAL ARMY (I.N.A.) Of about 70,000 men of the Indian Army who became Japanese prisoners of war, some 20,000 defected and joined the I.N.A. commanded from late 1943 by Subhas Chandra Bose.
ITTIHAD-UL-MUSLEMIN (MUSLIMIN) *Lit.*: Unity of Muslims; the name given to a political organisation in Hyderabad.
JAGIR An assignment of land revenue, sometimes conditional on the maintenance of troops or other service.
JAGIRDAR Holder of a Jagir.
JAI ENGLAND Victory to England.
JAT The great agricultural tribe of north-west India found in the Punjab, western United Provinces and Rajputana and comprising people of Muslim, Hindu and Sikh faiths.
JATHA Company, party, organised band of people proceeding somewhere for the purpose of political demonstration.
JATHEDAR Leader of a Jatha.
JIRGA A Council of Elders.
KAFIR An infidel, one who does not believe in the mission of Mohammed.
KHAKSARS Servants of the Dust; *Lit.*: like the earth, humble; semi-military

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organisation of Muslims armed with spades, under the leadership of Inayatullah Khan.

KHARIF Autumn; autumn harvest.

KHASSADAR Member of a loose irregular body of police who operated in the Tribal Area of the N.W.F.P., choosing their own officers and finding their own rifles.

KI JAI Victory (Jai) of.

LAKH 100,000.

LAMBADAR (LUMBADAR) Headman of a village.

MAHASABHA *Lit.*: Great Assembly. Hindu Mahasabha: political party based on militant Hinduism.

MAHSUDS A Pathan tribe.

MALIK A Muslim title inferior to Khan and Amir. Chief man of one of the kinship groups into which Pathan tribes are divided.

MAULANA *Lit.*: our Master; title of respect accorded to Muslim judges, heads of religious orders and persons of great learning.

MAULVI Judge or Doctor of Law. Title of respect often given to learned Muslims.

MEOS A Muslim tribe of cultivators in the south east of the Punjab.

MOPLAHS A fanatical Muslim sect of Malabar believed to be descended from Arab immigrants who settled on the west coast of India in the ninth century A.D.

MUSLIM NATIONAL GUARDS A Muslim para-military organisation.

NAWAB Originally a Governor under the Moghul Empire; thence a title of rank conferred on Muslim nobles.

NAWABZADA Son of a Nawab.

PAGREE (PUGREE) Turban.

PANTHIC PARTY (SIKH) Formed spring 1946 in Punjab Assembly to resist idea of Pakistan.

PARSEES Descendants of Zoroastrian refugees who fled from Persia on its conquest by Muslims in the eighth century A.D.; chiefly settled in western India; distinguished as merchants, shipbuilders and traders.

PATHAN Generic name given to Pushtu-speaking peoples inhabiting North-West Frontier of India and Afghanistan.

PATHANISTAN The land or State of the Pathans, the name given to a free Pathan State envisaged by some Muslims in the N.W.F.P.

PEON An inferior servant of courts of justice and government offices, usually wearing a badge.

PINDARIS Gangs of mounted plunderers who terrorised central India after the disintegration of the Moghul Empire and were only finally broken up by large-scale military operations undertaken by Lord Hastings in 1817–19.

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PIR *Lit.*: an old man. A Muslim spiritual guide, the spiritual head of a group of Muslims.
QAID-I-AZAM The Supreme Ruler.
QURAN (KORAN) The sacred book of the Mohammedans, consisting of oral revelations by Mohammed collected and committed to writing after his death.
RAMZAN The ninth month of the Mohammedan year during which all Mohammedans are expected to fast between sunrise and sunset.
RASHTRIYA SWAYAM SEVAK SANGH (R.S.S.S.) National Volunteer Service Association. The para-military arm of militant Hindu nationalism.
RED SHIRTS Members of an anti-government organisation started in the North-West Frontier Province by Khan Abdul Ghaffar Khan and closely allied with Congress.
ROZA A fast, fasting, used particularly of the fast observed by Mohammedans in the month of Ramzan.
SARDAR (SIRDAR) *Lit.*: a chief, leader. Title borne by all Sikhs, also by some Muslims and Hindus.
SCHEDULED CASTES or Depressed Classes. At the lower end of the scale of castes; considered to cause pollution by touch.
SHARIAT Mohammedan Law.
SHIROMANI AKALI DAL (S.A. DAL) Central Akali Organisation.
SHIROMANI GURDWARA PARBHANDAK COMMITTEE Central Gurdwara Management Committee.
SHRI (SRI) Sanskrit term used by Hindus to denote 'Mr'.
SIKH *Lit.*: disciple. Follower of Guru Nanak (1469–1538), the first of the line of ten Gurus (religious preceptors) who formulated the Sikh faith and welded the Sikhs into an independent community.
SUFEDPOSH A headman, paid a small remuneration for giving general assistance to the administration but lower in rank than a *Zaildar*. q.v.
TAHSIL A revenue sub-division of a district.
TAHSILDAR Officer in charge of a *Tahsil*.
THANA Police Station and hence the area of its jurisdiction.
TODDY Liquor distilled from coconut.
WANA WAZIRS A Pathan tribe.
ZAIL A group of villages.
ZAILDAR A headman chosen to give assistance to the administration in the collection of land revenue and the detection of crime in a *Zail* for which he was given a modest remuneration.
ZALME PAKHTUN Pathan youth, the name of an organisation started by Khan Abdul Ghaffar Khan's son.
ZAMINDAR One holding land as a proprietor but paying land revenue to the Government; a landowner.
ZINDABAD Long live.

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Appendix I

Supplementary Documentation

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I

Sir E. Jenkins to Field Marshal Viscount Wavell[1]

R/3/1/95: *ff* 20–21

30 June 1945

H.E.

I think Your Excellency should now consider the possible situations with which you may have to deal during the next fortnight or so.

2. In the first place, lists may come in from all parties including Jinnah; your provisional selection may be accepted by HMG (I do not think there will be any difficulty about this), and by the parties; and the Conference on 14 July may end in complete agreement. If this happens it will remain only for you to settle the allotment of portfolios, which should not cause much trouble once the composition of Council is determined; to take leave gracefully of your old colleagues; and to instal the new Members. A good deal of administrative work will be involved, e.g. the rearrangement of Departments and so on, but I think this can be done within a few days.

3. Secondly, all parties may submit lists, including Jinnah; your provisional selection may be approved by HMG; but both the Congress and the League may be quite unable to agree to it. You would then have to report complete failure to the Conference on 14th July, and it would remain to pick up the pieces. There would be a violent outburst of communal and probably anti-British feeling in the Press, and Governors would have to be reminded of the importance of maintaining law and order. There would be an uneasy period during which the Congress would prepare for some further mass demonstration, and in the end "repression" on a big scale would undoubtedly be necessary. At the Centre you would, I think, have to reconstruct your Executive Council on the assumption that until the time comes for another attempt at a political settlement, the main criterion must be efficiency rather than political appeal. The position would be the same if your provisional selection were accepted by the Muslim League but rejected by the Congress.

4. Thirdly, Jinnah may refuse to send in a list and may either
(*a*) withdraw from the Conference, or
(*b*) attend the next meeting merely in order to express the opposition of the Muslim League.

5. Fourthly, Jinnah may send in a list but refuse, either before or on 14th July, to accept your provisional selection.

6. If you have to deal with the third or fourth situation the main question

[1] This document falls chronologically between Nos. 548 and 549 in Vol. V.

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will be whether you are prepared to go ahead without the Muslim League. You would certainly need Cabinet authority in order to do so, and I am doubtful whether an Executive Council consisting mainly of Congressmen and non-League Muslims would work. The Congressmen would control the Press and the Legislature, the non-League Muslims would be entirely dependent upon them for political support, and the Muslim League would be implacably hostile. This is a subject on which I think you should get the advice of Governors now, and I submit a draft.[2]

7. I have not dealt in detail above with the implications of complete success or complete failure. For all the apparent reasonableness of Congress, I think that Congress would cooperate only subject to certain mental reservations. They will be determined to keep their party organisation in an active state, and they can do so only by allowing great latitude to leaders who do not take office. The recent speeches of Nehru and unfriendly comments of Patel are a foretaste of what may be expected. As long as the leaders outside the Council confine themselves to bitter abuse of the British, perhaps no great harm will be done. But if they preach against the Muslim League, or press for revenge against officials or loyalists, there will be a good deal of trouble. These risks have always been present, and complete success would undoubtedly be followed by a most uneasy period of six months or more.

8. Complete failure would lead to great disappointment, and, after a month or so, to more or less violent reactions both communal and anti-British. If these negotiations fail there is really no way out until something (e.g. the death of Gandhi or Jinnah, or both) happens to change the outlook of the Congress and the League. We should be in for a long period, perhaps a period of five years or more,[3] during which no political move of any importance could be made. The present Executive Council has never been of any political importance, and it would be hardly worth while to retain incompetent Members merely in order to present an ornamental political facade. You would probably have to propose to HMG a reversion to an Executive Council largely official, which would take hold of our big administrative problems and really attempt to deal with them. In the Provinces you would have to delay the restoration of ministerial government until the attitude of the Congress (as a party in opposition) to the Japanese war is very much clearer than it is now.[4]

E. M. JENKINS[5]
30.6.1945

[2] For the telegram as sent to Governors, see Vol. V, No. 549.
[3] Lord Wavell underlined the section reading 'perhaps a period of five years or more' and inserted a question mark in the margin.
[4] Lord Wavell commented in the margin against the last sentence: 'Not quite clear'.
[5] Lord Wavell commented in reply: 'I approve draft and agree generally with your note but am doubtful on one or two points. If I expressed intention to form a Council without League, would there be any chance of its changing Jinnah's attitude? W. 30/6/45.'

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2

Mr V. P. Menon to Sir E. Jenkins[1]

R/3/1/95: ff 36–8

7 July 1945

P.S.V.

You told me that you would like to have my views as to the policy I would suggest in the event of the Muslim League not participating in the reconstruction of the Executive Council.

2. The present situation recalls to my mind the communal position in 1932. In 1931–32 the representatives of parties met in London under the chairmanship of the Prime Minister. The Congress (represented by Gandhi), the Muslim League and other minorities could not come to an agreement as to the representation in the legislatures and the negotiations broke down. It was then that H.M.G. produced what is known as the Communal Award which was generally accepted by all parties and forms the basis of representation in the legislatures under the Government of India Act, 1935.

Thirteen years later, we are confronted with a similar situation—this time in relation to the composition of the Executive Council at the Centre and the Ministries in the Provinces.

3. Up to 1935, Muslims, generally speaking, were under the impression that their interests would be safeguarded if they could get adequate representation in the legislatures. Thanks to the Congress policy of excluding all the other parties from the Provincial Executive, the minorities learnt that the majority party in the legislature could set at nought the wishes of the minorities and that representation in the legislatures would not alone be a sufficient safeguard. This was the real motive power behind Jinnah's cry of Pakistan. Exclusion from a share in the power was the real foundation on which the present position of the Muslim League was built up. It is therefore not surprising that the cry of Pakistan is more vociferous in the Provinces in which the Muslims are in a minority than in the majority Muslim Provinces.

4. The present situation is different from the position in 1932 in one important respect. For the first time in its history Congress has come in for co-operation without any conditions. This may be partly influenced by their recognition of the fact that their past policy has not only not led them anywhere but that every time the Congress went into the wilderness they had to face communal demands more strident and far-reaching than before. Further, there is an all-round desire in the Party to assume the functions of Government

[1] This document falls chronologically between Nos. 571 and 572 in Vol. V.

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not so much in the interests of the efficient prosecution of the war against Japan as for purposes of post-war reconstruction. Their desire to cooperate may be genuine, but this can only be tested by future events.

5. From the Muslim point of view the element of parity between them and the Hindus is an advance on past proportions and is a fulfilment of the demand made years ago by Jinnah that he would come on a 50:50 basis. That H.E.'s proposal does not prejudice or prejudge Pakistan is an additional, if negative, attraction to Jinnah. On the other hand, Jinnah's fear is that, if he is not allowed to nominate all the Muslim members to the Council, it will militate against Muslim solidarity under the League banner and might eventually strike at the root of the Pakistan demand. This is probably the reason why Congress has come out and said that the selection of the Executive Council should be on the basis of talent without any communal bias. Indeed I am told that at one stage Gandhi suggested to the Congress Working Committee that the entire selection could be left to H.E. and whatever Executive Council H.E. nominated should be accepted by the Congress. But for the Muslim League to accept membership of the Executive Council without its claim to nominate all the Muslim members being conceded would amount to an open admission that the League does not speak for all Muslims. Another result of accepting membership would be that, since the issue of Pakistan would necessarily have to be suspended during the continuance of the composite Government, the League would have no more battle-cry to sustain its fight and would therefore die of inanition.

6. As against this, the Muslim League has to face the fact that if it does not now accept office, the Congress with the support of other elements will be able to govern the country and in the long run the League's position is bound to deteriorate.

7. These are the two opposing considerations which may be expected to sway the decision of the Muslim League; which view will win is difficult to say, but my own reading of the situation is that the Muslim League would submit a list and, if a break comes, it will be when H.E. discloses his own selection.

8. The first question to be considered is whether we should concede the claim of the Muslim League to nominate all the Muslim members of the Executive Council. We are in this up against, first the Punjab, and secondly the nationalist Muslims in the Congress. Having told the Congress that it does not represent the whole of India, we cannot consistently agree with the Muslim League that it represents all the Muslims. If then "each Party represents its own members", we shall be compelled to recognise that the Muslim League does not represent all the Muslims, in the same way that the Congress does not

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represent all the interests of Indians. In other words, we cannot accept the Muslim League claims in their entirety.

9. What then are the alternatives that we have to consider? On the basic assumption that the Punjab cannot be allowed to go unrepresented, the question will be whether a Muslim representation of 4 Leaguers and 1 Unionist will be acceptable to Jinnah. My own feeling is that Jinnah may agree to this, but it may be unacceptable to the Congress. On the other hand, the Congress may be prepared to restrict its own members to 3 if the Muslim League does likewise, the remaining 4 seats in a Council of 15 being filled by 2 non-League Muslims and 2 non-Congress Hindus. My inclination is to try the second alternative first, and, if Jinnah resists it to the point of a breakdown, to offer him the first alternative arrangement provided the Congress is agreeable to it.

10. We still have to reckon with the possibility that Jinnah will agree to neither of the two alternatives, but will insist upon nominating all the Muslim members of the Council. This, as I said before, we cannot concede. Are we then to treat the position as a breakdown of the Conference? The Conference except for the Muslim League will in all likelihood accept H.E.'s plan, whatever it may be; and there is a general desire in the country that there should be some sort of settlement. For the first time since 1917 the Congress, the largest organised party in India, has unequivocally declared its attitude as one of cooperation. The attitude of the Congress has always been most in our thoughts in connection with all constitutional reforms in the past. In all our previous reforms proposals, from the Minto-Morley reforms up to date, the attitude of the Congress has in the long run been decisive for the fate of the scheme. If the Conference breaks down, the Congress will probably turn their attention to the Provinces and after capturing power in most of them, carry on a fight against the Centre both inside the Government and outside. Again, I cannot say what forces the continued political frustration will generate in another 4 or 5 years, but the situation will undoubtedly be full of peril. Nor would the Muslim League, if we break with the Congress for its sake, have sufficient strength or influence to help us out.

11. I venture to think that the issue of the ultimate relationship between India and England will be decided by the manner in which the present opportunity is treated. On a broad view the situation has not for a long time been so propitious for an amicable settlement between the two countries, and it would be a tragedy not to take advantage of the opportunity. I therefore feel that we should not allow the Conference to break and must, if need be, reconstitute the Executive Council with the help of the Congress and such other elements as are willing to cooperate.

12. Our next step should be, as soon as the lists are available, to select an Executive Council on the basis of 3 Congress Hindus, 3 League Muslims, 2

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non-League Muslims acceptable to the Congress and the Unionists as well as to the League, 2 non-Congress Hindus, 1 Sikh, 1 Indian Christian and 1 Depressed Class member. With H.E. and the Commander-in-Chief, this will make up a Council of 15. The selection of the non-League Muslims on this basis is the most difficult and delicate part of these negotiations. We should then consult the Party leaders. I am sure that all Parties will accept the list except Jinnah. If Jinnah could be brought in, I would not consider it too great a sacrifice to concede him four seats out of five. If H.E. appeals to Gandhi and Azad that the Conference should not break down on this issue, I have every reason to think that the Congress will accept it. It is of course possible that things may not go according to plan, but this is the best estimate we can at present make of the party reactions.

13. If even this arrangement is not acceptable to the Muslim League, the plan you suggested would be the best in the circumstances, namely, that H.E. should state to the Conference and publicly the composition of the Council he would be prepared to recommend to H.M.G. for appointment, the representation he is prepared to give to the Muslim League and the general acceptance his proposal has had among the other parties, and should also declare that if after one month the Muslim League does not make up its mind to come in, H.E. would proceed to reconstruct his Council on the lines he has decided upon.

V. P. MENON
7/7/45

3

Sir E. Jenkins to Field Marshal Viscount Wavell[1]

R/3/1/95: ff 62–7

10 July 1945

H.E.

There is still a faint chance that the Conference will succeed, but it is much more likely to fail, and I suggest that you now consider the consequences of its failure and the possible courses of action open to you.

2. The immediate cause of the breakdown will almost certainly be Jinnah's refusal to agree to the admission to Council of any Muslim who does not belong to the Muslim League. It is possible, but I think unlikely, that Jinnah will accept, and Congress will reject, your list. But even if Congress do reject it, they will justify themselves by saying that it virtually concedes Jinnah's

[1] This document falls chronologically between Nos. 583 and 584 in Vol. V.

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claim. Jinnah will find it difficult to defend his position abroad and (except among his own followers) in India. But there is a good deal more in his case than appears at first sight, and in considering the position we must avoid being unfair to him.

3. Jinnah and the Muslim League, and all Muslims who are not "nationalist", have, for years, been united in their dislike for, and distrust of, the Congress. They see the Congress as an anti-British and pro-Hindu organization whose main aim is a united, independent India, dominated by the Hindu community. However sweet and reasonable the Congress leaders may be, there is much arrogance and ruthlessness in the organization, and when the Congress Governments were in power in many of the Provinces, little regard was paid to Muslim views and aspirations. That is the general Muslim view. The first Muslim reactions to HMG's proposals were favourable because the proposals are, on paper at least, more generous to the Muslims than any yet made. But as the Conference proceeded, the idea gained ground that the Congress intended a further infiltration of the Muslim ranks, and that the new Council would in practice be a body in which the ordinary Muslim would be in a minority. So far, I think Jinnah and Khizar would very largely agree. But Jinnah's position is complicated by disputes among the Muslims themselves, and he makes no distinction between the different classes of Muslims outside the League. To him Unionist Muslims seem to be as offensive, if not more offensive, than Congress Muslims, and it is this feeling that has led to his extravagant claim. It is, however, certain that most Muslims, both inside and outside the League, share his fear of the Congress, and will approve his refusal to enter the Congress parlour. It is not realised that HMG's proposals are based on the sound political theory that all revolutionary parties must come to earth at some time, and that extremists in office rapidly cease to be extreme. Nor is it realised that by entering the new Executive Council the Muslim League would be conceding no principle, and in view of the right of Members of Council to resign, would be in no danger of suppression by the Congress. What Jinnah, and with him his colleagues and the average Muslim, have seen during the past fortnight or so is an extraordinary output of Congress propaganda, and an apparent determination on the part of the Congress to boost the nationalist Muslims at the expense of the remainder. As I have said above, Jinnah may find his tactics difficult to defend except to his own followers, but in so far as they are based on distrust of the Congress, they will receive increasing sympathy from all Muslims who are not in the nationalist camp. Jinnah's reputation and power are based largely on the belief that he is the only Muslim capable of standing up to Gandhi, and he cannot easily abandon this role.

4. We must therefore expect on the Muslim side a genuine and increasing sense of grievance. This will be manifested in organized "days" and demon-

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strations in the towns and demands for a trial of strength with the Congress. There will be much communal tension, to which Congress leaders will contribute by a flood of self-righteous propaganda. I doubt if the Muslim League would initiate agitation against H.M.G. or the Viceroy unless an attempt was made to form Governments at the Centre or in the Provinces without the League. Should this happen, agitation would almost certainly become both anti-Hindu and anti-British.

5. The Congress are traditionally a non-communal party. Any directly communal vendetta will be carried on for them by the Mahasabha. The Congress leaders will demand in the most reasonable way in the world—

(1) the formation of a political Executive Council without the League;
(2) the formation of Provincial ministries in the section 93 Provinces, also without the League;
(3) the immediate release of all political prisoners.

Whether they will welcome an immediate trial of strength with the League at general elections both at the Centre and in the Provinces I do not know. They may have no strong feelings one way or the other about this. If their demands are not met quickly and in full, they will revive their anti-British agitation on familiar lines.

6. I think therefore that the main consequences of the failure of the Conference will be a period of acute and increasing communal tension, during which Congress will put forward political demands quite unacceptable to the Muslim League. If these demands are not conceded within a reasonable time, Congress will resort to direct action. From Your Excellency's point of view there are four main things to be considered:

(i) The composition of the Executive Council.
(ii) Elections to the Central Legislature.
(iii) The formation of ministries in the Section 93 Provinces.
(iv) Elections to the Provincial Legislatures.

7. *The composition of the Executive Council.* Owing largely to the indiscretions of its Members, the present Executive Council has almost ceased to function. Some of the Members will probably wish to resign, and some reconstruction of Council seems inevitable. The question is whether this reconstruction should be on an efficiency basis or on a political basis. I do not entirely exclude reconstruction to include Congressmen and non-League Muslims, but I think that such a reconstruction would make the position in the Provinces even more dangerous. It will be difficult enough if Congress ministries return to office e.g. in the U.P. and Bombay[2] in the teeth of League agitation, and if the Central

[2] A marginal note by Sir E. Jenkins reads: 'The Governor is fairly optimistic about Bombay. E.M.J. 10/7/45.'

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administration is also dominated by the Congress, the League may become irreconcilable. I have already advised that your line will have to be decided within, say, a month of the dispersal of the Conference, and the point you have to bear in mind now is that, if you decide against a political reconstruction, you will be rejecting what is likely to be the main Congress demand.

8. *Central elections.* These could be held this winter for the Assembly, and any time after the budget session next year for the Council of State. I have so far been opposed to early elections, and after the Conference disperses there is in theory a good deal to be said against an immediate "trial of strength". On the other hand, the present Assembly is such a wretched body that there might be practical advantages in deciding on Assembly elections this winter. They might produce a better House, and as we are in for a spate of communal oratory anyhow, they might not make communal feeling very much worse. I believe party opinion about elections may be divided. But on the whole there may be more opinion for, than against them.

9. *Formation of Provincial ministries.* So far as I know, this would lead to no grave difficulties in Madras, Bihar, the Central Provinces, and Orissa. In these Provinces the Muslim minority is unimportant, and though the Congress ministries might give the Governors a great deal of trouble, and even impede the war effort if their main demands had not been met, I doubt if the communal situation in any of them would be alarming.

On the other hand, in the U.P., Bengal, and possibly Bombay, the return of Congress ministries to power might have serious communal repercussions.

Governors will of course have to be consulted about this, as about other matters, when the Conference is over, and the policy towards Congress will have to be more or less uniform. You will, I think, have to require an unequivocal guarantee about support for the war effort, and also some guarantee about the attitude of the Congress to the Muslim League. One cannot continue Section 93 administrations indefinitely, and one of the reasons for HMG's proposals was that in the absence of a party settlement ministries would be restored in the Section 93 Provinces in an extremely bad atmosphere. This is the position that will now have to be faced.

10. *Provincial elections.* The holding of Provincial elections will, I think, depend largely on the decision about Provincial ministries. If ministries return to office elections will be necessary within the next year or so, and the Governors have to settle the dates for them after ascertaining the views of their respective Premiers. But if ministries do not return to office, elections need not be held.

11. I have not dealt above with the inevitable Congress demand for the release of all political prisoners. If a political Executive Council were formed

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without the League, most of the prisoners would have to be released. But if the Executive Council were merely reconstructed on an efficiency basis, the Congress would want the prisoners merely to strengthen their agitation, and I think we should have to adhere to the present policy of gradual releases. It will, however, be difficult to do so, as the pressure will be great. There are also the 1942 cases in which the death sentences have not been executed, and in most, if not all, of these cases I think you will probably have to commute the sentences. Provincial Ministers would release most of the prisoners held by the Provinces.

12. HMG's proposals came as a shock not only to the present Members of the Executive Council but to many members of the Civil Services and "loyalist" Indians. You must recognise that on a breakdown of the Conference you will, for a time at least, have lost the confidence of these classes without gaining that of the political parties. There was much the same feeling during the Cripps negotiations, but Lord Linlithgow was generally believed to be opposed to a settlement, and I do not think that he personally lost much ground either with Council or with the Services. Much Service opinion[3] on politics is prejudiced and unreasonable, but it is a factor to be taken into account.

13. I do not think there is anything we can do at the moment, but I suggest that Your Excellency turn these matters over in your mind in the knowledge that a definite line will have to be taken on them immediately after the Conference ends.

14. I think we should inform Governors of the present position, and I submit a draft circular telegram.[4]

E. M. JENKINS
10/7/45

[3] A marginal note by Sir E. Jenkins reads: 'I strongly suspect, though I cannot prove, that there has been official support for Jinnah's obstinacy. E.M.J. 10/7/45.'

[4] Lord Wavell commented: 'Draft approved. W. 10/7/45.' For the telegram as sent, see Vol. V, No. 584.

4

Mr Attlee to Lord Pethick-Lawrence[1]

P.R.O. PREM 8/59

22 December 1945

My dear Pethick,

I have been turning over in my mind the problem of how to handle the Indian

[1] This document falls chronologically between Nos. 308 and 312 in Vol. VI. Mr Attlee wrote an identical letter of the same date to Sir Stafford Cripps. There is no reply from Cripps on the file.

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situation. We are now committed to taking action as soon as the elections[2] have been concluded. Hitherto we have thought along the lines of the Viceroy dealing with elected representatives. I think you share my doubts as to whether Wavell has sufficient political *nous* to deal with this situation. He has not the political training.

Our problem has been to see who else could do the job. There is one man in our ranks of outstanding capacity who has the confidence of people of all political views and who has proved himself a most skilful reconciler of contending factions, Tom Johnston.

I do not think that he would be prepared to take on the Viceroyalty. He is too wedded to Scotland but he might, I think, be prepared to take on a special commission.

Do you consider that it would be possible, while leaving Wavell to carry on the Government of India, to send Tom Johnston as a special commissioner with full powers from the Cabinet to make a settlement with the Indian political leaders? He would, in fact, be a plenipotentiary.

Such an appointment would, I think, strike the imagination of the Indians. Tom has, as you know, some experience of India.[3] It would strike out an entirely new line, because he would be divorced from the machine of Indian administration. It would, I think, make an appeal to Indians as a novel line of development, in which India is recognised by Britain as a political entity with which an accommodation has to be reached. We could, of course, provide him with any technical constitutional advisers, as, for instance, Sir Maurice Gwyer, who is very widely trusted in India, but essentially it should be a one man job.

I should like to know your reactions to this suggestion.

Yours ever,

CLEM

[2] i.e. to the Central Legislative Assembly and to the Provincial Assemblies.

[3] No mention is made of such experience in the article on Tom Johnston in the *Dictionary of National Biography, 1961–70*, Oxford University Press, 1981.

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5

Lord Pethick-Lawrence to Mr Attlee[1]

P.R.O. PREM 8/59

26 December 1945

MEMO ON INDIA

Prime Minister,

I am attracted by your idea of sending a plenipotentiary to India. I agree with you that it is essential to take a bold initiative, and also that there is a grave risk that the Viceroy (partly owing to his personal qualities and inexperience of politics, and partly owing to the aloofness of his official position) if left to himself will fail to bring off a settlement.

I had however hitherto assumed that if we were to send a negotiator (plenipotentiary or other) from here it would have to be a cabinet minister, or preferably *two*[2]—not necessarily both present there all the time.

My first reaction to your proposal is to see the following advantages:—

(1) it is a complete novelty
(2) it byepasses officialdom
(3) its failure would not involve the Cabinet finally—we might still try again.

My question marks are:—

(1) Would T.J. be likely to accept?
(2) Has he or could he acquire the necessary background on India, which would justify such complete confidence in him [?]
(3) Could the Viceroy submit to being superseded, in effect, by anyone other than a Cabinet Minister?

Personally though I am aware of the Viceroy's limitations I am told he has won confidence of Indian leaders because of his sincerity. If he resigned it might be believed that he was disposed to be more liberal than HMG.

I will give further consideration to your proposal.[3]

PETHICK-LAWRENCE

[1] This document falls chronologically between Nos. 314 and 315 in Vol. VI.
[2] Emphasis in original.
[3] There is no further correspondence on this subject from Lord Pethick-Lawrence on the file.

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6

Note by Field Marshal Sir C. Auchinleck[1]

L/WS/1/1092: ff 51-6

TOP SECRET GENERAL HEADQUARTERS, DELHI,
11 May 1946

A NOTE ON THE STRATEGIC IMPLICATIONS OF THE INCLUSION OF "PAKISTAN" IN THE BRITISH COMMONWEALTH

ASSUMPTIONS

1. It is assumed

(a) That India divides into two independent autonomous States—Hindustan and Pakistan.

(b) That Pakistan may consist of two parts—a Western zone and an Eastern zone, or of a Western zone only, comprising Sind, Baluchistan, the NWF Province and the Western Punjab.

(c) That HMG in the United Kingdom decide to leave Hindustan to its own devices and to have no more intimate dealings with it than the diplomatic and commercial relations usual between two friendly sovereign powers. HMG undertake no responsibility for the defence of Hindustan.

(d) On the other hand, HMG in the United Kingdom agree to the inclusion of Pakistan in the British Commonwealth as an autonomous Dominion having the same status as Canada, Australia etc, and, at Pakistan's request, to lend her British sea, land and air forces and British personnel to aid in her administration and defence.

COMMONWEALTH STRATEGIC INTERESTS IN THE INDIAN OCEAN AREA

2. Vital Commonwealth strategic interests in the Indian Ocean Area are:—

(a) The oil supplies from Persia and Iraq.

(b) Control of the Western entrance to the Indian Ocean—the Red Sea.

(c) Control of the Eastern entrance to the Indian Ocean—Singapore and the Malacca Straits.

[1] This document falls chronologically between Nos. 249 and 259 in Vol. VII. The note was forwarded with a letter dated 12 May 1946 from Field Marshal Auchinleck to General Mayne. A map was also enclosed. Mayne replied on 20 May 1946 and commented as follows in a separate minute of the same date:

'1. No copies of this note to be made, and I want no marginal comments other than the few which I have made myself.

The Appreciation is full of interest and very sound but is, I think, academic, since the one thing that seems reasonably certain is that the assumption on which the Appreciation is based is wrong. There is not likely to be an independent Pakistan within the British Commonwealth and an autonomous Hindustan outside it.'

L/WS/1/1092: ff 58, 49 and 48.

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(d) Ability to use the air routes across Arabia, Iraq, the Arabian Sea, India, Burma and Malaya.

(e) The control of Ceylon, for use as a port of call and a naval and air base.

Should India[2] be unfriendly or liable to be influenced by a power, such as Russia, China or Japan, hostile to the British Commonwealth, our strategic position in the Indian Ocean would become untenable and our communications with New Zealand and Australia most insecure.

3. A Hindustan outside the British Commonwealth might very well be tempted, in order to give effect to an inevitable urge to conquer and absorb Pakistan, and thus restore the unity of India, to throw in her lot with Russia. Russia with her taste for power politics and gangster methods would be likely to take full advantage of any such tendency on the part of Hindustan.

A Russian influenced Hindustan might well constitute such a menace to the security of the British Commonwealth as to cause its early dissolution.

INFLUENCE OF A BRITISH CONTROLLED PAKISTAN ON HINDUSTAN

4. In theory it might appear that a Pakistan under British influence could act as a check to the hostile potentialities of an independent Hindustan. Even if Pakistan comprised North-East as well as North-West India, a proposition which seems extremely unlikely to materialise owing to the great difficulties inherent in it, it is very doubtful if Pakistan would have the necessary resources in raw material, industrial production, manpower, and, above all the requisite space, to enable it to become a base for warlike operations against a Hindustan, supported and equipped by a hostile power such as Russia.

If as seems more than likely, Pakistan were to be restricted to North-West India, it would most certainly not be adequate as a base for operations on a grand scale.

5. As atomic energy develops and weapons of all sorts, whether on the sea, on the land or in the air, improve, depth in the defence and adequate space for the dispersion of base installations, including industrial plants, must become increasingly essential in war.

A united India has these qualifications, as would an independent Hindustan. Pakistan even if it includes North-East India, could never possess them.

6. It follows, therefore, that Pakistan, whether it has two zones or the North-West India zone only, will not provide the means by which the British Commonwealth can hope to influence or coerce an independent Hindustan and keep it free of hostile foreign influences, so as to ensure the security of our communications through the Indian Ocean area.

[2] General Mayne underlined the word India and commented in the margin: 'Hindustan?'

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If we cannot secure these vital communications, it would seem that the break up of the British Commonwealth is likely to follow before very long. [3]

THE PROBLEM OF THE DEFENCE OF PAKISTAN

7. (a) Apart from the question of safeguarding our communications in the Indian Ocean area, must be considered the probable reaction of an independent Hindustan to a Pakistan under British influence and included in the British Commonwealth.

(b) The separation of Hindustan from Pakistan instead of eliminating the fundamental enmity of the Hindu for the Muslim is likely to inflame it. Any attempt to establish a Pakistan zone in North-East India, which if it is to be effective at all, must include Calcutta and a very large Hindu population, is certain to be strenuously resisted by the Hindus.

(c) Should by some means or other, the Hindus be brought to agree to the setting up of such a zone, they will almost certainly at once start planning and working for its eventual elimination and reunion with Hindustan. A Hindustan without Calcutta and the control of the Bay of Bengal is not a practical proposition and the realisation of this by the Hindus will inevitably lead to war between Hindustan and Pakistan. In this event, HMG in the United Kingdom would be committed to fight for the retention of this zone by Pakistan and might well become involved in a world war[4] on this account.

8. (a) The actual defence of North-East Pakistan from the purely military point of view would be an extremely difficult problem, as the area could in no sense provide the needs of an army or an air force adequate for its defence, and these would be almost entirely dependent on sea communications for their needs. These sea communications would be most vulnerable to attack by sea and air forces based on Hindustan and could in no sense be considered reliable.

Moreover the attitude of Burma, which would presumably be independent, cannot be predicted.

Burma influenced by China, as it always must be, might well be hostile to the British Commonwealth and see, in a quarrel between Hindustan and Britain, a chance of improving her position. The possibility of North-East Pakistan having to defend itself from attack from the West as well as from the East and South cannot be excluded, and would make the problem well nigh insoluble. There can be little doubt that the drain on the resources of HMG in the United Kingdom would be immense and incalculable.

(b) Even supposing that Pakistan consisted of a North-Western zone only,

[3] General Mayne underlined the section from 'break up' to 'very long' and commented in the margin: 'I disagree'.

[4] General Mayne underlined the words 'in a world war' and commented in the margin: 'i.e. against Russia'.

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the strategic problems involved in its defence would be many and difficult to solve.

The North-West Pakistan area is not self-supporting in any way, except possibly as regards cereals, it has practically no raw material or industrial capacity and all war material would have to be provided from overseas for many years to come. It has one port only—Karachi—seaward and landward approaches to which are constricted and most vulnerable to air attack.

For many years to come, Pakistan cannot hope to produce officers and technicians for the land and air forces necessary for her own protection, though it should be possible to produce sufficient men of the right quality for such forces.

(c) Physically, North-West Pakistan, like most other countries, has advantages and disadvantages from the defence point of view.

Assuming that it will absorb or at any rate, dominate Kashmir, North-West Pakistan cannot be seriously threatened from the North, protected as it is by the Himalayas, though it might be vulnerable to a limited extent to air attack from bases in Sinkiang.

The deserts of Rajputana and Sind similarly preclude any large scale attack by land from the South, and this is true also of the approach from the West through the wastes of Mekran, though the possibility of offensive operations on these fronts by mobile armoured and mechanised forces supplied by air cannot be excluded.

Pakistan would, however, be open to attack by land on a large scale from the North-West and South-East.

Good communications within a country to be defended are essential to successful resistance and North-West Pakistan would be reasonably well provided with railways and roads running towards her Eastern and Western frontiers, and she would have good lateral railway communications. Her weakness in respect of communications would lie in the fact that the Indus and the great rivers of the Punjab run from North-East to South-West at right angles to her main arteries of communication and because the bridges over them are few and far between and vulnerable to air attack. This disadvantage would probably outweigh in modern war any advantage which these rivers might confer as lines of defence.

No power is now-a-days likely to venture to attack another unless it is reasonably sure of having initial superiority in the air.

(d) Let us first take the threat from the North-West. The aggressor would be Russia, supported possibly by Persia and Afghanistan, possibly unwilling but sovietised and coerced.

The problem of the defence of India against Russian aggression is of course an old one, and the considerations involved in the problem of resistance to it have been, and still are, continuously under review.

In the circumstances we are now considering the problem takes a new

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aspect because here we have Pakistan as a sovereign Muslim state controlling its own destinies, whereas before, the ruling power was Britain, a non-Muslim state and, therefore, disliked, suspected and feared by Afghanistan, and, also Persia.

This change of affinities may it is true ease the problem of defence of the Western frontier of Pakistan to a considerable extent, but in view of the well known powers of infiltration and seduction possessed by Soviet Russia, it would be unwise to rely on it as a permanent solvent of the defence problem.

It is true that, in the conditions likely to prevail in any future war, a land invasion on a large scale of North-West Pakistan, through Northern Afghanistan over the passes of the Hindu Kush and the defiles of the Khyber and the Kurram, is most improbable.

Any land offensive against Pakistan from the West is likely to be made *via* Kandahar against Quetta and the Bolan Pass with the object of severing the railways leading from Karachi into the interior of the country and thus depriving its armies and air forces of their only source of supply of munitions of war.

It is true that the communications leading from Russia to Kandahar and beyond it are as yet undeveloped and that their development would take time and could not pass unnoticed. Nevertheless, given proper preparation a rapid advance by mechanised and armoured forces supplied partly by air is not an impossibility, as was proved in the campaigns in the Libya in the recent war. Quetta is connected with the rest of Pakistan by a single line of railway running through a narrow defile and extremely vulnerable to air attack, besides being liable to periodic interruption by flood and earthquake. The approaches to Quetta from the West are much more suitable to the deployment and movement of mechanised forces on a wide front than are the approaches from the East through Sibi, although the Khwaja Amran range just West of Quetta does provide a defensive position of some value, but of little depth. The total length of frontier to be watched and defended by Pakistan is about 500 miles from Peshawar to Kalat. It must be assumed, therefore, that the British will be required to provide at least fifty squadrons of aircraft and ten divisions[5] of troops to assist in the defence of the Western frontier of Pakistan against a determined Russian attack, as the forces which Pakistan would be able to maintain from her own very limited resources, must of necessity be small, however efficient they may be.

All these forces whether provided by Britain or Pakistan would be completely dependent for their maintenance, except perhaps as regards food, on the one port of Karachi and on one line of railway leading thence to the main zone of operations. As already pointed out, Karachi and the approaches to it are very

[5] General Mayne underlined the words 'fifty squadrons of aircraft and ten divisions' and commented in the margin: 'A summary estimate of questionable accuracy'.

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open to air attack from the South and North-West, and the sea approaches would also be liable to submarine and surface attack by craft based in the Persian Gulf, which in the circumstances we are considering, would almost certainly be controlled by Russia.

The supply of the forces in the Middle East from 1940 to 1943 was difficult enough when shipping had to use the Cape route, but it would be easy compared with the problem of maintaining an army and air force operating on the Western frontier of Pakistan in a major war.

(e) The frontier between Hindustan and North-West Pakistan must run through the flat plains of the Central or Eastern Punjab, and thence through the equally featureless, from the defence point of view, deserts of Northern Rajputana and the Southern Punjab, until it reaches the sea just South of Karachi.

Even if it were to follow one of the rivers of the Punjab such as the Ravi or the Sutlej or even the Jumna, this would not give a really defensible frontier.

The communications running from the interior of Hindustan towards the frontiers of Pakistan are reasonably good and capable of maintaining considerable land forces in the Northern sector of the common frontier. Though less good in the Western or Rajputana sector, where they consist of metre gauge railway lines, they could support light mobile forces capable of striking at the rich corn producing areas of the South-Western Punjab.

Pakistan then, would be open to heavy attack by land forces on a front of some 100 miles from Jullundur to Bhatinda, and to lesser attack by light forces on a front of about 500 miles from Bhatinda to Kotri on the Indus above Karachi.

As the initiative and choice of the point of attack would lie with the aggressor, the whole of this long front would have to be watched even though it might be possible to hold the bulk of the main land forces more or less centrally in reserve.

The weight of the attack by land which Hindustan would be able to deliver would depend on the extent to which she had developed her industries and resources and raw materials, which would certainly be much greater than those of Pakistan, and on the amount of assistance in personnel, arms and equipment, she had received from any overseas ally, such as Russia. Hindustan as a base for warlike operations on a big scale, whether on the sea, on land or in the air, is, and always must be, vastly superior to Pakistan, while her communications are far less concentrated and thus far less vulnerable to attack by sea or from the air. Hindustan in fact, would be an efficient base for modern war, which Pakistan can never be. Assuming then, that Hindustan is unlikely to attack until she had organised and equipped adequate air and land forces, which she can do as quickly if not more quickly than Pakistan, it seems certain, even if Hindustan

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attacked Pakistan without the overt aid of Russia, that Britain would have to provide large air and land forces to ensure the integrity of Pakistan.

All these forces would be dependent for their maintenance on the single port of Karachi and on the 800 miles of railway thence to Lahore and Bhatinda. These railways would be exposed to attack throughout their length by mobile enemy forces operating from bases in Rajputana and by air forces based on existing airfields in Kathiawar and Rajputana.

(f) If Pakistan were to be attacked simultaneously, as is possible, by Russia from the North-West and by Hindustan from the South-East, then the air and land forces which would have to be provided by Britain to ensure its defence, would be very large indeed, as big if not bigger than those absorbed in the defence of the Middle East before the forces of the Axis were expelled from North Africa. It is most unlikely that forces of this size could be maintained through the solitary port of Karachi, even if they could be provided by the British Commonwealth when it no longer has the manpower of India to draw upon as it had in the recent struggle.

CONCLUSION

9. (a) The inclusion of Pakistan in the British Commonwealth of Nations and the assumption by Britain or the British Commonwealth of the consequent responsibility for its defence could be justified on the following grounds:—

(i) That it would enable us so to dominate and control an independent Hindustan as to prevent her or her potential allies from disrupting our sea and air communications in the Indian Ocean area.

(ii) That it would aid us in maintaining our influence over the Muslim countries of the Near and Middle East and so assist us to prevent the advance of Russia towards the Indian Ocean and the Mediterranean.

(b) If the arguments contained in this note are being based on correct surmises, it seems perfectly clear that the first of these objects is unattainable, because of the large forces which its achievement would require, relative to the resources likely to be available to the British Commonwealth, at the outbreak of a major war.

If the first object cannot be achieved, it would be useless to attempt to achieve the second, because it would be quite obvious to all the Muslim countries, that Britain had ceased to be a power in Asia.

(c) If we desire to maintain our power to move freely by sea and air in the Indian Ocean area, which I consider essential to the continued existence of the British Commonwealth,[6] we can do so only by keeping in being a United India which will be a willing member of that Commonwealth, ready to share in its defence to the limit of her resources.[7]

C. J. AUCHINLECK

[6] General Mayne underlined the section from 'which I consider' to 'British Commonwealth' and commented in the margin: 'I do not'.

[7] cf. Vol. VII, No. 295, para. 7.

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7

Sir J. Colville to Lord Pethick-Lawrence[1]

L/PO/126: ff 7–8

SECRET & PERSONAL THE VICEROY'S HOUSE, NEW DELHI,
21 February 1947

My dear Pethick-Lawrence,

This is rather a painful letter to write. I am so unhappy and disappointed about the manner of Wavell's retirement, and out of sympathy with the step that has just been taken, that I must put my thoughts on paper to you. I have been privileged to work fairly closely with Wavell, owing to the fact that I have been called on several times to act for him, and I admire very greatly his courage, vision and patience. Whatever may be the ultimate result of H.M.G.'s policy in India I feel that the Government owe him more than any other public servant. Further while I agree that the announcement of a date to demit responsibility whether the main parties have come to an agreement or not might by circumstances be forced on H.M.G., I regret that the statement has been made at this stage when I think further negotiation was possible, and I am not at all sure that the statement will have the result that H.M.G. desires.[2] My time in Bombay ends in March 1948 and in the circumstances I have mentioned I would feel disposed to offer my resignation but for the following considerations. Wavell to whom I have spoken has strongly urged me not to do so as it would embarrass Mountbatten. A decision having been made, nothing I can do will alter it, and that being the case I do not want to leave a difficult post. However, I should be very grateful if you would show this letter to the Prime Minister, and if you and he feel, knowing my views, that you would prefer to replace me with someone else, I shall have no complaint to make, but I should be grateful for an early answer

I return to Bombay tomorrow.[3]

Yours sincerely,

JOHN COLVILLE

[1] This document falls chronologically between Nos. 438 and 446 in Vol. IX.

[2] cf. *ibid.*, No. 403.

[3] Upon receipt of this letter and a covering letter (which is not on the file) from Lord Pethick-Lawrence, Mr Attlee commented: 'I agree with you that it would be unfortunate if Colville retires at this juncture. I think, therefore, that you should write to him as you suggest.' On 4 March Pethick-Lawrence wrote to Sir J. Colville assuring him that 'there is no question whatever of our underestimating Wavell's many great qualities . . . ', and explaining that the decision to announce a date to demit responsibility had been taken 'only after the most earnest consideration . . . of the problem confronting us in India and with a full realisation of the magnitude of the issues at stake.' Pethick-Lawrence also conveyed his and the Prime Minister's appreciation of Colville's readiness to remain as Governor of Bombay and concluded 'we have no hesitation whatever in telling you that we are sure that it is in the interests of India that you should do so.' Colville replied on 15 March assuring the Prime Minister and Pethick-Lawrence of his 'readiness to do my utmost as Governor of Bombay in this critical and decisive period'. L/PO/126: ff 6, 4 and 2.

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Appendix II

Errata et Corrigenda

VOLUME I

Documents

2, Enclosure (p. 4)	Note 2. Lines 13, 15, 17 and 18. For 'Sir Srinivasa Sastri' read 'Mr Srinivasa Sastri'. (see also entry on p. 911). Line 22. 'Lord Sinha was the son of the First Baron Sinha of Raipur' should read 'Dr Sachchidanand Sinha was a former Vice-Chancellor of Patna University'.
80 (p. 128)	Note 1. col. refs. should read '621–5'. Note 2. col. refs. should read '582–92'.
97 (p. 146)	In the sentence in square brackets at the end of para. 2, for 'No. 628' read 'No. 640'.
126, Enclosure (p. 172)	The date of this letter should read '29 December 1941'.
144 (p. 196)	Add to note 1 '. . . but see reference on p. 197 to the *Manchester Guardian* of 18 February.'
146 (p. 202)	Lines 17–18. After 'next' insert [? net].
460 (p. 574)	Line 17. After 'repeating' insert [? repealing].
547 (p. 689)	Note 3. For 'Not printed' read 'Not traced'.

Index of Persons

p. 901	BOSE, Subhas Chandra. In line 4, for 'Jan. 1942' read 'Jan. 1941'.

Index of Subjects

p. 918	DEFENCE OF INDIA ACT AND RULES. In line 1, for '142' read '143'.

VOLUME II

Introduction

p. xi	First number on last line should read 'lo2'.

Documents

101 (p. 146)	Note 1. For 'No. 98' read 'No' 99'.
332 (p. 466)	Note 2. For 'No. 336' read 'No. 320'.

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Glossary

p. 1009 — PATHAN entry. For 'Pushto' read 'Pushtu'.

Index of Persons

p. 1021 — JOHNSTONE, Harcourt, M.P. For '(Lab)' read '(Lib)'.

p. 1023 — LUMLEY. For 'Sir Laurence Roger' read 'Sir Lawrence Roger'.

p. 1027 — QUISLING, VIDKUN. In line 3, for '460' read '455'.

p. 1027 — RADCLIFFE, Cyril John. For 'Q.C.' read 'K.C.'.

VOLUME III

Abbreviations

p. xx — The entry for E.C.O. should read 'Emergency Commissioned Officer'.

Summaries

315 (p. lxiv) — Line 2. Delete '15'.

Index of Persons

p. 1087 — For 'WAKELEY' read 'WAKELY'.

VOLUME IV

Index of Persons

p. 1252 — BARLOW, Brigadier Alfred Edmund. In line 2, for 'Midnapore' read 'Khargpur'.

p. 1252 — BELL, Frank Owen. In line 2, for 'October 1936' read 'April 1943'.

VOLUME V

Summaries

p. xcii — '472' should read '471'.

Documents

53 (p. 103) — Note 7, last line. The reference should read 'L/P&S/12/4629'.

412, Enclosure (p. 961) — Note 3, first line. The reference for the War Cabinet Paper should read W.P. (45) 273 of 26 April 1945'.

556 (p. 1185) — Para. 1, lines 11–2. For 'Khaliq Zaman' read 'Khaliq-uz-Zaman'.

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Index of Persons

p. 1307 — BOSE, Subhas Chandra. In line 10, for '4 July 1941' read '4 July 1943'.

p. 1323 — 'MADANI, Husain Ahmed 622' should be inserted between 'McNeil, Hector' and 'MADNI, Hasan'.

p. 1323 — MADNI, Hasan. Document reference should read '556' only.

p. 1330 — For 'SHARMA, Brij Lal' read 'SHARMA, P.D.'.

Index of Subjects

p. 1345 — Column 2, third entry. For 'Rowland's' read 'Rowlands' '.

VOLUME VII

Documents

16 (p. 39) — Note 2. Sir A. Clow's booklet dated 29 October 1945 on 'The future Government of the Assam Tribal Peoples' (Shillong, Assam Government Press, 1945, 53 + iv pp.) may be found in the Cripps Papers at the Public Record Office (P.R.O. 127/88).

p. 1097 — JAT entry. For 'north-east' read 'north-west' as stated in the Glossaries of other Volumes.

VOLUME IX

Documents

380 (p. 678); see also Introduction (p. xxvii, lines 13–14) — The text of the Prime Minister's announcement on the Viceroyalty as made in the House of Commons following immediately upon the Statement of 20 February 1947 [No. 438] was as reprinted in No. 380 except that:

Lines 3 – 4 read 'after having held high military command in South-East Asia, the Middle East and India . . . '.

Line 10, in brackets, read 'Rear-Admiral the Viscount Mountbatten of Burma'.

Line 13. After 'prosperity of India' the following was inserted: 'He will remain on the active list, in accordance with his wish that his future employment in the Royal Navy shall not be prejudiced. I feel sure that the whole House will wish Lord Mountbatten well in his great task.'

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VOLUME X

Documents

106 (p. 165)	Note 2 should read 'Not traced'. (Document No. 100 is the reply to No. 95).
132 (p. 213)	Insert 'I' between '7th December.' at foot of page 213 and 'pointed out' at top of page 214.
178 (p. 330)	The date of this letter should read '19 April 1947'.

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INDEX OF PERSONS WITH BIOGRAPHICAL NOTES

FOR THE PERIOD 8 JULY–15 AUGUST 1947

The extensive correspondence of the Secretary of State (Lord Listowel) and the Viceroy (Lord Mountbatten), whether written or telegraphed, can be readily followed in the Summary of Documents at the beginning of the Volume and for that reason it is not listed again in this Index.

Neither previous nor subsequent changes in office are listed unless they have an immediate relevance to the contents of this Volume. A list giving the names of principal holders of office in this period is to be found on pages xxxv–xxxviii.

The references are to Document Numbers

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ABBOTT, Stuart, Evelyn, I.C.S., Secretary to the Governor of the Punjab 1946–7 3, 131, 299, 305, 306, 377, 391

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